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California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

Half-way appraisal Jerry Brown:

HOW GOOD A GOVERNOR?

What's wrong with our business climate?

Gianturco *vs.* the freeway culture

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A PERSONAL PERSPECTIVE . . .

By Ed Salzman

Caboodlers, unite!

This month, we are going to offer Governor Brown a little help. Our Governor has called on many occasions for simplification of the language of government. (To his credit, Brown is setting an example with his pithy veto messages.) All government, he has said, would grind to a halt if we all refused to process any documents that we don't understand, or that are unnecessarily complicated.

We are indebted to Francis Kinsman of the *London Times* for a proposal to help Brown in his mission to eliminate gobbledygook and papershuffling from government. In short, we are suggesting that Brown join a movement which Kinsman calls CABOODLE — the Campaign Against the Bureaucratic Obstruction of Decent Legal Enterprise.

Loyal CABOODLE supporters take action when they are confronted with an official demand to pay government something or to fill out some outrageous form. They prepare a form of their own — on legal-length sheets, of course — written in mock official language on both sides of the paper. This then is sent to the government agency conveying the notion that it must be filled out before the citizen will make the payment or complete the government form. This is what has become known as responding in kind (Nelson Rockefeller please note).

CABOODLE has been designed by Kinsman for the use of businessmen and "fellow sufferers everywhere" as the final solution to official forms. He calls the basic tool the "CABOODLE Form of Application for the Submission of a Form for Completion." In other words, you are simply telling government that before you will fill out its form, the government must complete yours.

Some suggestions for a do-it-yourself form:

- Use plenty of reference numbers with imaginative combinations of letters, numbers, slashes and hyphens like "id/i/o/cy," "CJ-11/76" and "Medi/pet."
- Request the name, address, telephone number (and extension) of the official and the employing bureaucratic organization — then leave only about half as much space as is needed to provide the information.
- Ask for a listing of the main activities of the governmental agency, and details of subsidiary and affiliated organizations.
- By all means, demand the name of the immediate superior of the individual who signed the government form. The threat is apparent.
- Insist on details about the government form — the actual and implied purpose of the form, the number of copies printed, the legal basis for the submission of the form, the length of time the law allows for completion of the form (or submission of payment), and methods of appeal available to the citizen.

This last section is so open-ended that it provides the loyal CABOODLE follower with the opportunity to go back time and again seeking additional details before responding to the government form.

California Journal

THE MONTHLY ANALYSIS
OF STATE GOVERNMENT AND POLITICS

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UP FRONT

At long last, it appears that the state Supreme Court is about to hand down the last word on the *Serrano* decision outlawing the present system of financing public schools. What's the bet that Governor Brown and the Legislature will find a way to comply without raising taxes? One way out: a change in the state constitution legalizing the status quo.

Ray Procunier lost no time letting employees of the state Department of Health know who was in charge around there. He called a meeting of key personnel. One division head was 20 minutes late. "Pro" waited for the missing body to appear before starting the meeting and then let it be known that a repeat performance would be grounds for dismissal.

Incidentally, Mario Obledo, secretary of health and welfare, lost 30 pounds or more trying to cope with the plethora of problems in the health department. Now, he may have one more health problem.

Tony Kline, Jerry Brown's legal affairs secretary and all-around confidant, may not be leaving the executive suite very soon, after all. He says he will be there for a while, "but even diamonds are not forever."

The Brown Administration began a new public relations campaign as soon as the legislative session ended. The Governor scheduled free-wheeling luncheon meetings with groups of reporters, and cabinet members arranged one-on-one sessions with Sacramento correspondents. And the 1978 election is two years away.

The Democrats have a right to be disappointed with the results of the first register-by-mail operation. One of the problems is that the form sent to the citizenry is too forbidding.

Local government won a renewal of revenue sharing from Congress all right. But what Congress giveth it also taketh away. At the same time, local government was saddled with the cost (and it will be astronomical) of providing unemployment insurance coverage for all employees, starting in 1978.

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ROSTRUM

The housing model

I have read with interest the article published in your September issue entitled, "What Happened to Housing for the Poor?" by John Cheevers. In many instances, this is one of those articles in which erroneous or misleading interpretation intermingles with occasionally accurate statements of fact to a point where only confusion can result. One example shows what I mean:

Cheevers would have the California Housing Finance Agency (CHFA) emulating the "conservative" pattern of the Massachusetts Housing Finance Agency (MHFA) to avoid the "wild spending and fiscal mismanagement" of New York's Urban Development Corporation (UDC). UDC is a public development corporation, with powers extending to, and including, eminent domain. Cheevers, apparently, is unaware of the existence of the New York Housing Finance Agency, an entity with parallel powers to CHFA, but run on a conservative "loans to lenders" basis. If with any state of New York institution, it is to the New York Housing Finance Agency that our policies and programs might have been compared.

Even the most casual research would have revealed that the Massachusetts agency, decried by Cheevers for its conservative orientation, stands alone in both the duration and the consistency of its commitment to "social purposes." It, alone, pioneered the mixed-income approach to multi-family rental housing. It, alone (before California), was mandated statutorily to provide a fixed percentage of units in each of its projects for low-income residents. And it alone implemented a state rental subsidy program when Mr. Nixon declared his moratorium on HUD programs a few years back. Our staff is not "largely" from MHFA, as Cheevers indicates. We could entice away only one senior and two mid-level management persons. I would like to have had more.

Let me try to conclude on a positive note by pointing out what is happening to housing for California's low and moderate income persons:

1. Multi-family direct lending. Our production schedule, calling for $15 million a month in commitments starting in June, was materially affected by the Supreme Court decision handed down in the case of *HFA* v *Elliott*. Of the first $30 million committed by the board, $25 million related to projects for which there was no existing Article XXXIV local referenda. However, we have retrenched and are back on a schedule which could result in our first market entry next month. To date, we have processed 211 project submissions, totalling 24,000 units in an amount of $515 million.

2. Neighborhood preservation. In the medium to long run, the potential of this program is far greater than any impact that could be realized from a successful direct lending effort. With a twin focus on rehabilitation of existing dwellings and curing mortgage deficiencies, the CHFA intends to reverse the trend towards decline in our older neighborhoods by providing a series of below-market interest-rate loans for rehabilitation and acquisition. Potential risk in these programs will be covered on a shared basis with the federal government and private institutions. Local governments wishing to participate were to have filed applications by August 15th. They did, and in considerable volume. We are now processing applications from 31 localities affecting 123 neighborhoods and 165,000 units.

In sum, a program of this magnitude and complexity does not come together easily. Nonetheless, a great deal has been accomplished.

S. MICHAEL ELLIOTT
Chairman and Acting President
Housing Finance Agency

Westland's Brody replies

(The following letter is in response to "Family farming vs. land monopoly" in the September issue.)

With his usual penchant for half truth and for fabrications to fact, George Baker has again demonstrated his great ability as a writer of fiction. Baker's talent in this regard has become so great that some government officials and others refuse to be interviewed by him at all. I have informed him that I will not discuss any matter with him by telephone or personally unless our conversations are taped. This may account for the fact that he has not called or sought information from me since that time.

Baker refers to the "struggle" between "some of the biggest and most powerful land barons in the state" and others, impliedly on enforcement of acreage limitation. He proceeds to imply, if not state, that the large corporations and other large landowners in the Westlands Water District are resisting acreage limitation and are retaining ownership and control of their landholdings, after sale pursuant to acreage-limitation law.

As Baker well knows, the large landowners in Westlands Water District are waging no struggle whatsoever in the matter. Baker doesn't mention the fact that these large ownerships were in existence long before the San Luis Project came along and that they are not required by law to dispose of their land unless they want Project water for that land. The fact is that as a consideration for obtaining Project water at the same subsidized rate other users will pay, they have signed over 1,100 contracts with the United States obligating themselves to dispose of 350,000 acres of land to eligible buyers (those who would own only 160 acres of land in the district after their purchase), and at a price which does not take into account Project benefits. They also gave the Secretary of the Interior power of attorney to sell the land for them if they do not do so within the 10-year period. Baker likewise doesn't mention that they had already sold 118,000 acres of the land even before the 10-year period had expired. As a result of such sales, what was previously owned by only 67 persons or entities, now is owned by 1,000

Continued on page 392

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THE NOT-SO-NEW SPIRIT

A two-year appraisal of Brown as Governor

By Ed Salzman

No one could have known on the night of November 5th, 1974 what kind of governor the people of California had just elected. During the campaign, 36-year-old Edmund G. Brown Jr. sat on his big lead in the polls and talked vaguely about bringing a "New Spirit" to Sacramento. This ephemeral approach almost cost Brown the election, but it also brought him to power with few commitments and few indications of what path he would follow.

Now, two years later, we know what kind of governor we have — at the same time unconventional and unpredictable, idealistic and pragmatic, inspiring and maddening. He was an enigma in 1974 and, to a large degree, he remains a puzzle today. As Jerry Brown starts on the downhill side of the four-year gap between elections, the obvious question arises: How good a governor has he been?

Brown himself is proud of his record of accomplishment with the Democratic Legislature. The polls show that he is phenomenally popular with the electorate. He received a vote of confidence last June by demolishing Jimmy Carter in the state's Democratic presidential primary. Yet, are a string of bills signed into law and citizen popularity the best measures of gubernatorial success? What criteria should we use to judge whether a governor is doing a good job?

Brown himself feels the test of a governor is whether he has brought new ideas to state government. And Brown clearly thinks he has done that with his "era of limits" approach, and his drive to bring about social and economic equality in the state (as evidenced by his successful plan to get $70-a-month pay raises for all state workers this year, regardless of salary level). But there are other criteria that can be used. Here are some of them and how Brown rates:

Compassion. Brown's father, Pat Brown, said in his 1966 swansong campaign that he wanted Californians to remember him for this quality above all. Jerry Brown has displayed compassion for some elements of society, the low-paid worker, farm laborers and others. But he has also been under attack for not providing enough money in the health, welfare and education fields.

Efficiency. Organization is not one of Brown's strong points. He does not delegate authority well, tends to cope with problems only when they reach the crisis stage and appears to do a great deal in an off-the-cuff manner. (There is evidence that some of Brown's seemingly spontaneous major statements have been the product of careful preparation, however.)

Leadership. To be successful, a governor is supposed to display leadership talent and, at the same time, avoid being so heavy-handed that he can be accused of dictatorship. Brown thus far has managed to walk the narrow line and maintain a public image as a good leader.

Political talent. A governor is the leader of his party as well as the head of the executive branch of state government. He is supposed to unify the party and take steps to minimize the effectiveness of the opposition's attacks. Brown has not shown a great deal of interest in molding strong Democratic Party machinery, but his impressive presidential primary showing indicates that he has what it takes to arouse the voters. The Republicans have been so weak in the state that he has not had to take the opposition too seriously.

Fiscal integrity. One reason why the Republicans have been so ineffective in attacking Brown is that he has co-opted their traditional issue — reduction of government spending. Brown has been a tightwad, especially by liberal Democratic standards. He was fortunate to inherit a large surplus from Ronald Reagan, but he also has resisted attempts to increase state spending. His biggest asset as he starts the run for reelection in 1978 will be the fiscal soundness of the state.

Legislative relations. There is no question that Brown and

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the Democratic Legislature have fashioned a great many major bills during the past two years. One of the main reasons for this was that Brown came into office after Democrats had experienced eight years of frustration with Republican Reagan in the corner office. With Democrats in control of nearly every aspect of state government, the floodgates opened. Brown maintained close relations with Assembly Speaker Leo McCarthy, the most powerful man in the Legislature, and that was vital to his successes. Brown was not especially popular with legislators on a personal basis for several reasons but that did not hurt him a great deal. He recognized the need to make friends by traveling throughout the state this fall to speak for Democratic legislative candidates.

Appointments. Brown broke new ground in this field, naming to key posts an unprecedented number of women, Blacks, Chicanos and others who had previously been denied positions of power in government. With this pattern, there are bound to be some glorious successes and dismal failures. Despite this progress, Brown has been under attack from those who feel that even more women should be named to key jobs, especially judgeships.

Negotiating skill. Until Brown took office, this probably would not have been considered a major element to consider in rating a governor. But Brown's ability to bring opposing sides together produced compromises that led to the enactment of two major pieces of legislation, the 1975 farm-labor measure and the 1976 coastal conservation act.

Undoubtedly, there are several other factors that could be considered, such as the absence of scandal and the ethics and integrity of the governor and his associates. In an Eastern state, these might be the most important considerations. Columnist Joseph Kraft came to Sacramento this year and asked those he interviewed: "Is it possible to be a bad governor of California?" He concluded that California is in such exemplary shape that it would be difficult indeed for anyone to blow the job. California, compared to other states, has a tradition of honest government, has relatively few major problems, is in decent financial shape and has a system of higher education that meets the needs of the people. The role of the state is primarily to provide funds for local government, which also has a national reputation for efficiency and honesty.

In the political world, Brown lived a charmed life during the past two years. There were only a few real attacks on him in the first 18 months, and these were mostly by those who, while seeking funds for their pet projects, ran into his fiscal conservatism. Democratic politicians recognized Brown's popularity with the voters and wanted to associate themselves with him. Even some legislators who excoriated him privately didn't dare say anything negative in public. (This was also the case with Republican lawmakers during the Reagan years.)

But now the honeymoon appears to be ending. James Lorenz, the former employment director fired by Brown, isn't the only one criticizing the Governor. In recent weeks, Lieutenant Governor Mervyn Dymally criticized the Governor for not doing enough to promote business in California. Secretary of State March Fong Eu found it "frustrating and maddening" trying to get Brown to encourage international trade. (He told her the Division of International Travel was "a bunch of hogwash," she reported.) John Pincus, a Brown education adviser, resigned from the state Board of Education after writing an indictment of Brown's education policy. Superintendent of Public Instruction Wilson Riles took off his previously permanently-bonded kid gloves in an attack on Brown after the Governor vetoed Riles' high-school reform bill. Senator Alfred Alquist charged Brown with making a "glaring misstatement of fact" in the controversy over freeway funding.

In terms of public acceptance, Brown's biggest problem should be the policies of the Department of Transportation — the institution of Diamond Lanes on freeways and the general cutback in highway spending. Clearly, Brown is attempting to force Californians out of their automobiles and into buses, trains and carpools. The reaction to the Diamond Lanes experiment in Los Angeles was almost violent, and the *Los Angeles Times* went all-out to end the incursion into the lifestyle of Southern California.

Somehow, this controversy has not hurt Brown personally. He has managed to remain somewhat aloof and let his subordinates, Business and Transportation Secretary Donald Burns and CalTrans Director Adriana Gianturco, take the heat. Yet, Brown considers this transportation policy one of the cornerstones of his "era of limits" philosophy, and one of the "new ideas" on which he feels his custodianship of the corner office should be rated.

Despite the Diamond Lanes controversy, the *Times* has not been especially rough on Brown. It has praised many of his actions and criticized others. And the polls, which to some degree reflect media coverage of a political figure, still give Brown extraordinarily high marks. Reporters in California have been generally gentle with Brown, especially compared to some Eastern writers, who consider him an old-fashioned political hack clad in robes of Sufi sophistry.

At the end of August, even after Brown's lack of grace at the Democratic convention in New York, Mervin Field's California Poll found that Brown still has a 73 percent approval rating. Perhaps more significant were the findings on specific points like Brown's "lower-your-expectations" creed, which won an 81 percent agreement rating. Also 63 percent thought he was a hard worker (the wonder is why that didn't bring a 100 percent rating), and only 38 percent thought Brown was on an "ego trip" when he ran for the Presidency at a time when Jimmy Carter appeared to have the Democratic nomination locked up.

California realities

Brown recognizes that his run for the Presidency was the biggest gamble of the past two years and the turning point in his term. It was the first time he left the state and, if he had not been so successful in the primaries, everything might have come unraveled. But he managed to survive even an unholy alliance with the discredited Democratic political machine in Maryland. As it happened, he remained popular in California and established himself as a good possibility for the Democratic nomination in some future year.

After the convention, Brown had to return to the reality of the legislative session and the California political scene. He bounced back with some key successes, notably an end to automatic cost-of-living pay increases for judges and the coastal compromise. Here is a checklist of other measures passed by the Legislature during the first half of Brown's term:

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- *Establishment of the Agricultural Labor Relations Board.*
- *Closing of so-called tax loopholes for businesses.*
- *Massive revision of the sentencing system for criminal offenders.*
- *Initiation of a $1 billion housing program for low- and middle-income families.*
- *Placement of public members on licensing boards and commissions.*
- *Establishment of "lifeline" utility rates.*
- *Creation of a new arts council.*
- *Passage of three nuclear-safety bills.*
- *The flat $70-a-month pay raise for almost all state workers.*
- *Reduction or elimination of state income taxes for the so-called working poor.*

The 1975-76 legislative record contains one especially curious element. During the Reagan years, Democrats in the Legislature held firm against a variety of bills to increase penalties for crimes, ranging from major offenses by those carrying weapons to shoplifting. Many of these bills cleared the tough Assembly Criminal Justice Committee and were signed into law during the past two years. One of the reasons: Brown takes a harder line on crime than some of the traditional liberals in the Assembly.

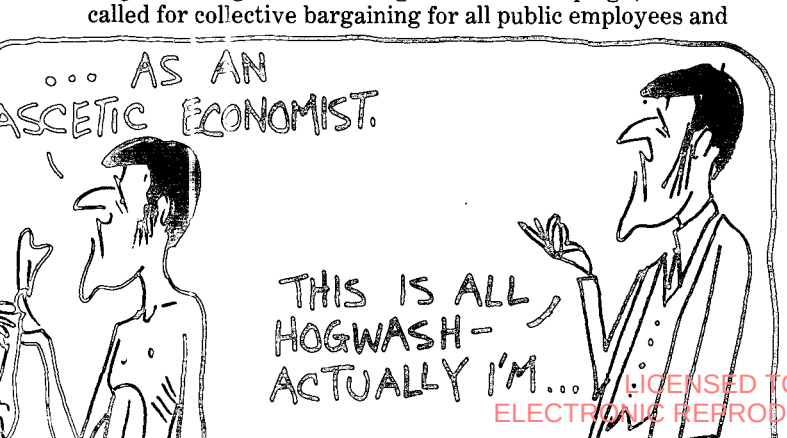
Brown indicated that he does not give up easily on a legislative proposal. The $70-a-month and judges' pay proposals went through only after a series of defeats. The Governor claims he has adopted a policy of the strategic retreat. "Sometimes I have to step backward so I can move ahead," he explained.

There are other accomplishments which do not appear on the legislative record. Secretary Burns spearheaded a drive to end "redlining" by mortgage lenders in California cities. The attitude of state departments was changed dramatically in some cases as a result of Brown's appointments.

Joseph G. (Gray) Davis, Brown's executive assistant and chief of staff, claims that the Administration's most significant accomplishment probably has been holding the line on the number of state employees. The work force has held at about 200,000. Mass layoffs in the Department of Transportation have offset increases in higher education.

But there have been major problems that have not been solved during the past two years. Unemployment, high when Brown took office, is still close to 10 percent in the state, and higher than in the rest of the nation. Brown has taken the stand that this is a problem that must be solved nationally. He conferred with economists about the feasibility of raising taxes to provide funds to create jobs. Their unanimous opinion, according to Davis, is that the higher taxes will eliminate slightly more jobs in the private sector than it will create in the public sector, making the program self-defeating.

Still hanging over the state is the *Serrano* decision banning the present system of financing local schools through the property tax. The housing program has been slow getting off the ground. During the 1974 campaign, Brown called for collective bargaining for all public employees and for a major bill to preserve agricultural land. He has backed off collective bargaining to watch a bill covering education take hold, and the major ag-land bill was killed in the state Senate this year. Brown worked long hours on the medical malpractice problem and came up virtually empty-handed.



Now, he is faced with the property-tax problem which continues as the major political issue that could prove a stumbling block to reelection. The situation is this: There is increasing pressure for the state to raise taxes and use the proceeds to provide additional local property-tax relief — a solution Brown thus far has been unwilling to consider, but which is being pushed by Mayor Pete Wilson of San Diego, a potential 1978 Republican opponent. Brown claims such a shift would be a "cruel hoax" on the taxpayers because funds would merely be taken out of one pocket and put into another.

The property tax solution will probably be in another direction if Brown holds firm — a shift in burden from residential to commercial and industrial property. The current crisis has been caused by the rapid growth in the value of residential property, which has not been matched by growth in the commercial-industrial area. The result has been a shift in the burden to the homeowner. Last year, the Legislature came close to putting a constitutional amendment on the ballot allowing the Legislature to institute a two-tier tax system so that homeowners and renters could receive relief at the expense of the business sector. Another strong effort will be made to adopt this proposal next year.

There are also other problems that have thwarted the Brown Administration — the rapidly rising cost of the homemaker-services program, the cry for more money for expansion of child-care programs, the water-transportation controversy in the San Joaquin Delta and, above all, the Health Department mess Brown inherited from the previous Administration.

Bureaucratic wasteland

The Health Department was created late in the Reagan Administration by merging several independent agencies, notably the Department of Public Health, the Medi-Cal operation and the Department of Mental Hygiene. The resulting agency was so large, so beset by technical and fiscal problems, so afflicted with employee strife that the result was a bureaucratic wasteland. Brown's first major move was to assign a tough public-advocacy lawyer, Robert Gnaizda, to straighten out the mess. There were some key personnel changes and a suggestion by Gnaizda that the department be broken up. But Gnaizda departed without solving the problem. Next, Brown appointed a physician, Jerome Lackner, to head the department. Lackner was more concerned with policy issues than internal administration. A turmoil erupted over the management of the prepaid-health-plan operations within the Medi-Cal program, and it became obvious that something more drastic needed to be done.

During this time, Secretary Mario Obledo of the Health and Welfare Agency saw the need to install a tough administrator in the department. Obledo himself feels he would have an excellent record if it weren't for this one disaster area. As it happened, the state's former prison chief, Ray Procunier, was forced out of his job as head of the Adult Authority by the state Senate's failure to confirm his nomination. Procunier was hired as an aide to Obledo, sent to investigate the Health Department and came back with a report that the patient could be brought to recovery stage in a couple of months with the right kind of direction. Procunier himself was then named deputy director of the department. It was clear that Procunier — not Lackner —

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would be the muscle man. Lackner would be the spokesman on issues and policy development; Procunier would try to make the massive department run smoothly or propose methods for reorganizing it into manageable size. Procunier is a tough-talking executive who learned how to run a military-style organization from his many years in the Department of Corrections. The question is whether he can issue commands to ordinary bureaucrats and get them to respond like prison wardens.

Divorce or trial separation

An even bigger question for Brown is whether his relationship with the Legislature will deteriorate. His main man, Leo McCarthy, has shown signs of independence of late, notably by opposing Cesar Chavez's farm-worker initiative (Proposition 14) on the November ballot. Brown and all other major figures in the Democratic establishment, including Senators Alan Cranston and John Tunney, supported the measure.

The Governor does not look at McCarthy's defection on Proposition 14 as a sign that their close alliance will be broken next year. The Speaker, explained Gray Davis, is merely defending the Legislature, which traditionally has preferred to see measures enacted through the legislative process rather than through the initiative. Should McCarthy not become reliable, however, Brown's relationship with the Legislature as a whole could deteriorate rapidly because the power of the Speaker has been the key to many of Brown's successes.

In one sense, this Governor should be popular among legislators. He believes in the traditional separation of powers, which calls on the Senate and Assembly to establish policy and for the governor to enter the lawmaking process either after a bill has reached his desk or when it appears he can offer constructive help. Brown does not go to the Legislature with a long laundry list each year. "To do that," emphasized Davis, "would exacerbate the normal tension between the two branches of government."

Brown also takes a novel view toward his review of bills that hit his desk. He gives no greater weight to a bill passed unanimously than one which was approved by a single vote. This is because controversial measures usually are examined in detail and all the issues are on the table, while a measure that whips through both houses without debate may contain a major defect that was generally overlooked. Brown's veto pattern is similar to that of Ronald Reagan — 148 in 1975 and 184 in 1976.

If Brown gives the Legislature so much headroom, why isn't he extremely popular with rank-and-file lawmakers? There are several answers to that question. Lawmakers do not like enigmatic politicians — they want to know what to expect from the man at the top. Brown's personality, often abrasive, does not sit well with those who are used to good-old-boys who practice the art of ego massage. Some legislators feel that a governor should spell out a long-range program covering the spectrum of state activities, which Brown has not done. Others feel he is a Scrooge with dollars that should be spent for compassionate causes. By not sending lawmakers a laundry list of proposals, he makes the job of legislators more difficult.

But there is another answer. Brown, it must be recalled, came into the Sacramento political scene by leaping over the aspirations of older and more experienced Democrats. There are those who still see him as Pat Brown's punk kid who leaped over the Unruh generation of Sacramento politicians — not on merit but on the name of his father. This, for example, was the attitude of former Assembly Speaker Bob Moretti during the 1974 gubernatorial primary campaign.

Moretti, incidentally, temporarily kissed and made up with Brown after the election because he wanted a major appointment from Brown. This resulted, from an environmentalist point of view, in one of the most disappointing decisions of the Brown Administration — the composition of the new Energy Commission. Moretti won one of the five appointments, and quickly became known as a pro-business member of the panel even though he was given the post supposedly reserved for an environmentalist. The makeup of the initial commission hurt Brown with conservationists, but the Governor made a comeback by giving one member a judgeship and replacing him with the highly respected Assembly energy specialist, Emilio Varanini.

Brown's record in the environmental field is mixed. Probably the greatest accomplishment has been the turnaround of the Air Resources Board under Tom Quinn, who had previously served as Brown's chief political adviser. Prior to the appointment of Quinn and his associates, the Air Resources Board had exhibited weakness in the fight against smog. Under Quinn, it has forced recall of automobiles, levied large fines, halted major projects and otherwise let the world know that California means to curb air pollution. In fact, Quinn has been so tough that he is being blamed for preventing industrial growth in California, and thus the creation of new jobs.

This kind of criticism — that he is anti-business — does not seem to faze Brown. He keeps saying that we cannot continue to expect year-after-year growth in an era of limits. And he emphasizes: "Nobody ever said people will go quietly into an era of limits." Brown feels that his environmentalist positions and his fiscal conservatism combine to head California in the proper direction for the future.

Will the Jerry Brown of 1977 and 1978, with his eye on another term, act any differently than the complex philosopher-politician of 1975 and 1976? Probably not. The idealist side of him will operate by this credo: "If I were to summarize the essence of what I'm trying to do, it's to make government and the society as understandable to people as I can make it, so that people's expectations will be realistic and government will maintain its proper role — not too much, not too little . . . . I would just like to do it with a certain confidence and integrity and imagination, getting people to understand that we can do a lot and there are things we can't do . . . . What I try to do is to understand what is possible and communicate that to people, and lay out the agenda as I see it."

That last sentence contains the clue to the success of Jerry Brown as a politician. He has the capacity to perceive public feelings and articulate the fears and frustrations of the citzenry. That, perhaps more than any other factor, is the key to his continuing popularity.

Even now, Brown does not have a program for the next legislative session. He is not a particularly well-organized individual, and he likes to work in a free-wheeling environment where his time and program are not tightly controlled. He works from the specific to the general, which makes it almost impossible to forecast what he might do next.

Except, that is, to remain predictably unpredictable.

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The exodus march of the Governor's soldiers

By JERRI BIGELOW

Gray Davis spent his first year as executive assistant to Governor Jerry Brown organizing the executive-office staff. Now, at the end of the second year, he's doing the same job all over again. Most of those who held key posts in the Governor's office during the first year have now departed, putting Davis in a position of additional power and giving him an opportunity to shape personnel policy more to his own liking.

Item: Marc Poche came into the Brown Administration as director of programs and policy but emerged as a top adviser to Brown and the Governor's most effective contact man with the Legislature. He has left to resume teaching law at the University of Santa Clara. Poche's departure was the Administration's greatest loss. Quiet and confident, Poche was a prime stabilizing force in the corner office.

Item: Brown's only in-house subject-matter adviser was Preble Stolz, brought to Sacramento by Poche to head the office of planning and research. Stolz later was moved to the inner office where his primary job was to advise Brown on problems dealing with education and the environment. Stolz has returned to Berkeley and his job as a law professor at the University of California's Boalt Hall.

Item: Brown won immediate access to some key Democratic legislators through the appointment of Paul Halvonik, former director of the Northern California American Civil Liberties Union, as head of the legislative unit. Within a year, Halvonik went back to the Bay Area for personal reasons. Brown later appointed him acting state public defender.

Item: Bill Stall, former Sacramento Bureau Chief for the Associated Press, was Brown's first press secretary. The appointment gave Brown excellent access to the political press in California because Stall was universally known and liked. But Stall soon decided that he wouldn't live long if he stayed on the job and took a position with the *Los Angeles Times*. His successor, David Jensen (formerly with United Press International), left for the *Sacramento Bee*. The new press secretary, Elisabeth Coleman, is relatively unknown in the world of political reporters.

Item: Agnes Barling told close friends the happiest day in her life was the one on which Brown appointed her administrative assistant. She left 18 months later to enter law school.

Item: Alice Daniel was appointed deputy legal affairs secretary by Brown. Six months later, she resigned and moved to Washington, D.C. Reason: frustration from lack of responsibility given her.

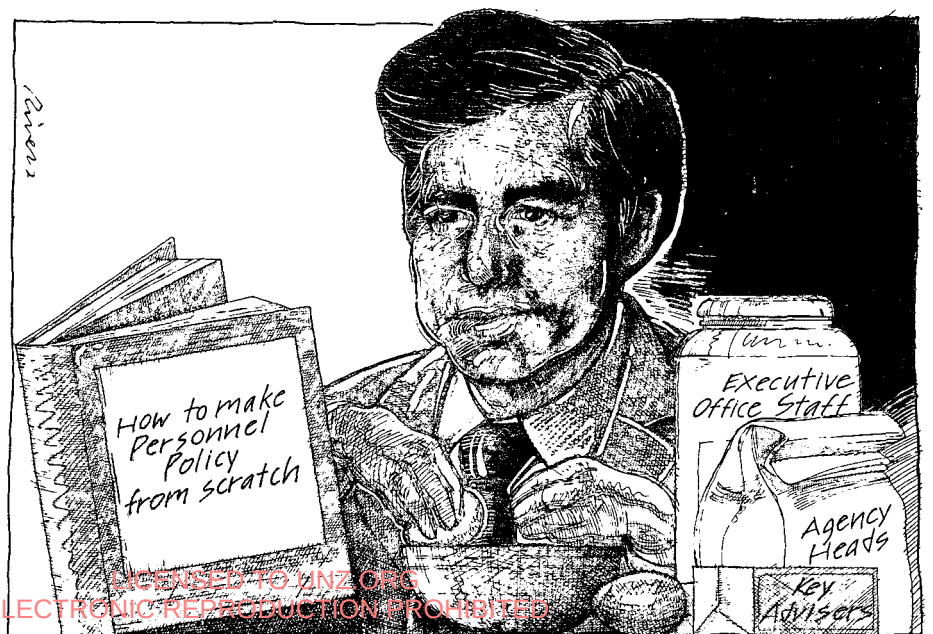
Item: Tony Kline, probably equal to Poche in influence with the Governor, has been rumored for months as ready to leave his post as legal affairs secretary to replace Halvonik as state public defender or to fill one of the coming vacancies on the state Supreme Court. Kline was a founder of a public-interest law firm in San Francisco that also includes Robert Gnaizda, another key Brown appointee who resigned after a relatively short time in Sacramento.

Item: Peter Sly, assistant legal affairs secretary, departed in October to join a San Francisco law firm. One reason: "We have made some bad judicial appointments."

Item: An early member of the inner circle was Leroy Chatfield, who held the title of director of administration. There was a power struggle between Davis and Chatfield over the hiring of clerical personnel. Chatfield lost and was appointed to the Agricultural Labor Relations Board. When the board ran out of money, Chatfield joined Brown's presidential campaign. Now he is back on the Governor's staff. But his office isn't even in the Capitol, and his prime responsibility is to advise Brown on farm-labor and political matters.

The exodus

The mass exodus is just about over and for one elementary reason: There are hardly any first-year staffers left.



The author, a free-lance writer in Sacramento, wrote "The fast-fund formula for the Brown campaign" in the September Journal.

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Of those who remain, only Davis and Kline are considered members of Brown's inner circle of advisers. David Fox, the former $32,000-a-year cabinet secretary, had little to say about the policies of the Administration. His main responsibilities were the hiring of summer interns and the preparation of cabinet agendas. (Fox was appointed state Real Estate Commissioner in September.)

Carlotta Mellon, the appointments secretary, has gradually acquired more influence within the office. At first, Brown handled appointments personally and Mellon was generally viewed as a lightweight. But she has grown into the job, and has built more stature with inner-office staffers and legislators. Assemblyman Bill Lockyer is one of her boosters. "Brown's appointments are super," he said. "Brown did most of them himself, but Carlotta has come a long way. She talks with a lot of people and makes them feel as though they are contributing to the process."

With the departure of such key advisers as Poche, Stolz, Stall and eventually Kline, where will Brown get help in making decisions? For the moment, Davis must fill the vacuum. The vacancies are being filled gradually, but it will be up to the individual appointees to prove their value and work themselves into positions of trust. Upon departing, Poche said Brown should have more key advisers with more direct access to the Governor. "It is important that the inner circle be expanded," he said. Early indications are that the revamped staff will be distinctly lower level. "No one could take Poche's place," reported Davis, "so I'll replace him with three or four less experienced people who will have one or two responsibilities of the former position."

This procedure will have the effect of increasing Davis' power because he will not have to share the Governor's ear with a successor to Poche. Davis already has firm control of the staff. Reports B.T. Collins of the legislative unit: "Gray insists on a copy of everything that is forwarded to the Governor. Everyone is supposed to check with Gray prior to making an appointment with the Governor."

The question of access to the Governor apparently caused a great deal of turmoil during the first months of the Administration. Davis claims that from the beginning agency heads and key advisers had total access to Brown. "I never forced them to go through me," he stated. But there are others who claim Davis tried to control which bodies flowed over Brown's threshold — and lost the confrontation over the issue.

As chief of staff, Davis must wear numerous hats. He handles the press with a smooth and detached manner. With his soft and non-aggressive demeanor, he soothes Brown at times of tension. He charts the Governor's daily schedule and plans personal appearances for Brown. He works directly with agency secretaries and tries to solve their problems without overburdening the Governor. He acts as Brown's shield from those with whom the Governor would prefer not to speak.

Every morning, Davis prepares an agenda of issues for the Governor's review. The information is gathered from the key advisers in the executive suite. Memoranda, much in evidence during the Reagan Administration, are now almost non-existent. There are a few staff meetings on an irregular schedule. Second-level staffers usually attend with pad and pencil in hand. The top advisers, with Davis an exception, generally feel these meetings are a waste of time. Poche reported there has been little communication among the top advisers and that information on only the most pressing matters is exchanged informally in the Capitol hallways.

Office undercurrents

Does an undercurrent of frustration, boredom and uncertainty now pervade the Governor's office? Those late-night lights that once burned in every room of the suite now are lit in only two. The frantic pace of staffers has gone, the typewriters less active. Davis has accepted the change of pace and explained, "There are only four or five staffers who are busy. The rest of the people are included in activities as they occur. And sometimes they do nothing. They wait until we need them."

Morale in the Governor's office is mixed. First, the plus: The employees in the legal affairs and legislative units agree that it is a pleasure to work with each other. They say there is an overall feeling of friendship and respect. Alice Lytle, deputy legal affairs secretary, feels Brown is good about delegating authority to those who have earned it. Lytle, who handles extraditions, reports that she has "the ability to influence events significantly with relatively little check from other sources." B.T. Collins is one of the enthusiasts: "Brown is brilliant. His Administration is very concerned about the little guy and his problems. I didn't expect anything when I was hired and felt that no one person could change the system. Now, I feel that one person can influence events and be effective in solving problems within this Administration."

Now the minus: The area known to insiders as "the ghetto" has many problems. It houses administrative assistants and secretaries. These employees have no clout with the Governor, and they complain that Davis is usually too busy to tend to their problems. There is little loyalty to the Governor among those in "the ghetto."

The protector

There is no question about Davis' total loyalty to Brown. To Davis, protection of the Governor is paramount, and his concern and respect for Brown is sincere. Brown, according to the chief of staff, is a tough taskmaster and "if an adviser wants to earn the respect of Brown, he will have done his homework and be ready to back up his position with facts." On the overall, Davis' strengths may be Brown's weaknesses, making them an ideal team.

Within the office, there is great fear of Davis. Only Kline and Poche have been known to stand up to him and get away with it. With their departure, there will be no one left to challenge him. But that is now a secondary problem; the first task is to fill the vacancies with promising talent.

Poche sees the jobs being filled this way: "When Brown comes across an intelligent, competent individual during a meeting, he'll bring that person aboard to fill the gap." Until those gaps are filled with advisers the Governor will trust, Brown will continue to operate with only a couple of advisers admitted to the inner circle. The rest of those with competence and drive have left for other endeavors. Some of those who have remained may wait in silence for opportunities that never come.

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The CalTrans crusade to change the California lifestyle

By LEAH CARTABRUNO

The use of designated hitters isn't limited to baseball. Adriana Gianturco was brought on as head of CalTrans to give the Brown Administration's lineup some extra strength in the battle over what direction the state's transportation system will take. Currently, freeways aren't being built and mass transit plans are only pipe dreams. Gianturco can be the heroine or the scapegoat in the confrontation to define a transportation policy for the nation's most populous state.

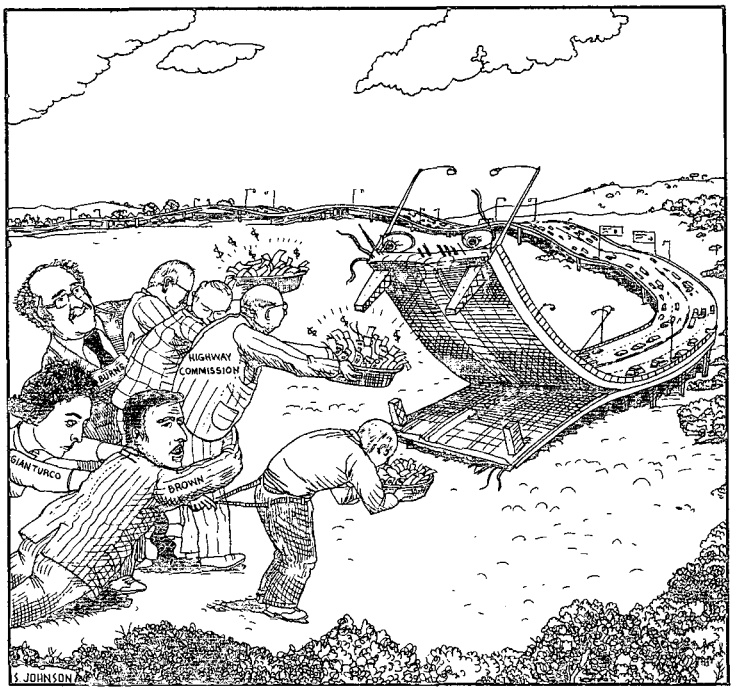
Gianturco's CalTrans and the state Highway Commission are butting heads over what the next six years of transportation planning will hold. The Legislature, after killing some $400 million in highway bills, is getting impatient to know just what is going to occur. The public is confused, first hearing 2,700 CalTrans employees had to be laid off, and then hearing CalTrans has a $309 million surplus. Meanwhile, unfinished freeway structures stand as a modern-day version of England's Stonehenge megaliths — except ours are monuments to indecision.

CalTrans' six-year program called for the expenditure of $5.6 billion, with emphasis on maintenance and rehabilitation of existing highways and on such "paratransit" aids as buses, car and van pools, jitneys and traffic facilitators (preferential lanes and metered on-ramps). Included in the plan but of secondary importance are landscaping, noise abatement and closing of some of the existing gaps in unfinished freeways.

The September session of the Highway Commission had a few surprises in store for Gianturco and Business and Transportation Secretary Don Burns. The independent Commission by a 5-1 vote adopted a surprise plan presented by Commission chairman William Leonard — a proposal calling for $687 million more in construction than does the CalTrans plan. Added are approximately 32 projects, including the completion of I15 between San Bernardino and San Diego, a new Fresno freeway, a Eureka freeway, the completion of the Simi Valley freeway, and the San Jose freeway which would eliminate the stretch of US 101 now called "Blood Alley."

Fiscal brinksmanship

The Highway Commission based its plan on an estimate of fuel tax revenues that was $120 million higher than CalTrans', a five percent rate of inflation as opposed to the department's eight percent estimate, and a reduction in funds for landscaping, mass transit and rehabilitation of roads. Burns, claiming that the Highway Commission's program would cost $1.2 billion more than CalTrans' $5.6 billion program, ordered Gianturco to ignore the Commission's plan and to draw up one which will conform to the law and will not bankrupt the state's highway program.



Germane to that argument is CalTrans' assertion that the Commission's plan calls for fiscal brinksmanship. By increasing the 1977-78 budget to the maximum, CalTrans says the Commission is "front-loading" — that is using up all the accumulated state reserves, the unearmarked federal funding and cash on hand — for immediate construction with no regard for the fiscal future. This method of expenditure will cause a drastic increase in the gas tax a few years down the road, CalTrans charges, because there won't be enough state money in reserve to bring in matching federal categorical grants. At that point, California will lose over $700 million in federal highway money. CalTrans says it is not against new construction or closing gaps in the freeway system. It just can't be done all at once, Gianturco says, and priorities must be timed to maximize funding and solve the most pressing problems first.

At a late October meeting, the Highway Commission scaled down its rebellion and adopted the CalTrans budget while adding only $52.4 million in new projects. Gianturco indicated she may be able to live with that.

The question is: Who has the final and legal authority over highway planning? The Highway Commission clearly has charge of adopting the annual budget. Not even the Legislature or the governor can countermand the Commission's decisions. But there is a big difference between adopting a highway budget for one year and adopting a planning program. It is obvious that projects are not completed in a

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year's time, and what is approved and started in one year will set the tone for many to come. However, Gianturco as director holds control of the staff and hiring. You can't build highways without enough workers. The Brown Administration maintains the Highway Commission has no legal authority to draw up a plan. It has assigned the planning job to a special task force under the state Transportation Board.

The first official draft of that task force makes some sweeping recommendations within CalTrans policy: Roads would carry more people in fewer cars; buses and carpools would be given higher priority on the streets; greater authority would be delegated to local government to provide transit service; "paratransit" operations such as taxis, vanpools, carpools and jitneys would be encouraged; traffic management would be revised to maximize usage of present roads (metered on-ramps and preferential lanes come in here); and highway users would be assessed the full cost of transportation, including those for "congestion, smog, excess energy use and other damage to the society and environment."

This last provision runs into heavy criticism. It could have the effect of placing the heaviest costs on those least able to pay — the poor who have the least money and the oldest, most pollution-causing cars. The whole idea of users paying the full cost of a service is foreign to our society. Homeowners and, indirectly, renters pay property taxes for schools regardless of whether they have children who attend. Single taxpayers pay a higher rate of income taxes while they use fewer services than couples or families. If society is to move to a users-pay-all system, should it be instituted on a system-wide basis or on a single service?

Highway planning and the coming year's budget is not a problem that can be solved by waiting. Of the five Highway Commissioners who voted for Leonard's plan, four are Reagan appointees. Two of the four, Leonard and Kenneth Vetter, will depart at the end of the year, giving Brown the opportunity to make two more appointments. But the 1977-78 budget must be approved by the Highway Commission in early November — before Brown appointees comprise a commission majority.

Ending a love affair

There is an underlying issue. It is no secret that the Brown Administration wishes to pry Californians out of their cars and terminate what is popularly called the "love affair with the automobile." But it is easier to get over an old "love" if there's a new object of affection. Somehow the carpool, vanpool, jitney, bus and preferential-lane treatment just don't offer a sufficiently romantic alternative. First there is the privacy, the solitude of driving your own car — somewhat of a rarity in our society. And, as Melvin M. Webber, a UC Berkeley professor of city and regional planning, wrote in a recent study, "It is the door-to-door, no wait, transfer features that . . . make (the automobile) so attractive to the commuters . . . ."

There is no crisis, no gasoline shortage, to help Californians jump the mental gap from private automobile to wide usage of mass transit. This is a game of psychological warfare that the Brown Administration, usually a master, seems to be losing. Perhaps this is because the automobile is

NEWSMAKERS

Justice for judges

Retired appellate judges **John Gabbert** of Riverside and **Frederick Stone** of San Luis Obispo County and Superior Judge **Homer B. Thompson** of Santa Clara County were named as a panel of special masters to inquire into charges against 82-year-old state Supreme Court Justice **Marshall McComb.** The Commission on Judicial Qualifications announced that it has ordered formal proceedings that could lead to McComb's removal from the bench on the grounds that advanced age has reduced his ability to fulfill his duties. There also were reports that all six of McComb's colleagues on the court had advised him to retire . . . . The Los Angeles Bar Association recommended that the commission investigate Presiding Municipal Judge **Joseph Grillo,** 64, who held a county official in contempt for refusing to issue airline tickets to Sacramento so judges could lobby for a bill.

Catherine Hearst, mother of Patricia Hearst, resigned from the University of California Regents following 20 years on the board . . . . **Sidney Brossman** resigned as chancellor of California's community-college system . . . . Governor Brown's uncle, Appellate Justice **Harold C. Brown** of San Francisco, retired from the bench at the age of 69 . . . . Legislative Counsel **George H. Murphy,** 63, announced his retirement, and a legislative committee was formed to recommend a successor . . . . Home economist **Barbara Erickson** of Sacramento said she would not seek reappointment to the state Milk Advisory Board because the group's management is hostile to the concept of public members.

Governor Brown's executive assistant, **Gray Davis,** donned a new hat with a temporary appointment to the state Horse Racing Board. Attorney **Nathaniel Colley** of Sacramento was given a permanent slot on the board, ending Reagan-appointee domination of the panel. Davis said he would serve as a "governor's watchdog." . . . Former Lieutenant Governor **Ed Reinecke** launched a political comeback by announcing his candidacy for the vice-chairmanship of the state Republican Party.

The House of Representatives, by a nearly unanimous voice vote, refused to expel Republican Congressman **Andrew J. Hinshaw** of Orange County who is appealing a bribery conviction . . . . United States Senator **Alan Cranston** was robbed of $100 and his watch outside his Capitol Hill home . . . . **Daniel Schorr,** who resigned from CBS after admitting the leak of a secret Congressional report, accepted appointment as a professor of journalism at Berkeley next year.

William A. Craib of South San Francisco, a highway engineer, was elected president of the California State Employees Association . . . . Former CSEA general manager **Walter Taylor** won a $200,000 loss-of-earnings suit against the association, but the superior-court decision may be appealed.

Ray Procunier, controversial former state prisons chief, was named deputy director to the state Department of Health . . . . Other Brown Administration appointments: **Pearl West** of Stockton as head of the Youth Authority . . . Lawyer-chemist **Marjorie W. Evans** of Palo Alto to the Air Resources Board . . . Attorney **Brenda Y. Shockley** of Los Angeles to the Personnel Board. She is the first Black person ever named to the panel.

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so central to the California lifestyle, or perhaps the subterfuge is too transparent. In the case of the ill-fated diamond lanes, the freeway traveler felt betrayed.

The initial diamond-lane project was a one-year experiment, segregating a 12.5 mile segment of Los Angeles' Santa Monica freeway into two parts. Before the August court ban, the two inside fast lines — one in each direction — were reserved for buses and cars with three or more passengers during peak rush hours. These were supposedly express, or preferential, lanes. The other drivers were relegated to the remaining lanes. The not-too-subtle object was to get people into carpools and buses.

Was the diamond-lane project a success? That's a bit like entering the downtown Los Angeles interchange at the rush hour for the first time and trying to figure out which lane you should follow to get onto the northbound Hollywood freeway. There is no clear answer. Gianturco sees the project as a forerunner for an environmentally responsible future transportation policy. CalTrans claims that during the final week of the project, three percent more people were using the freeway than in pre-diamond days, but in nine percent fewer cars.

But not all the people were riding in other people's cars or on busses. Some of them took their automobiles to the city streets. Los Angeles Traffic Engineer S. S. Taylor reported massive congestion and increased accidents, and expressed concern that the streets lacked the capacity for the additional traffic. The Highway Patrol reported that during the diamond-lane period there were 20 to 22 freeway accidents each week. Before the diamond lanes, there was a weekly average of eight.

Diamonds not forever

Angelenos, known for their freeway acumen, dreamed up exotic schemes to subvert the project. For instance, a hearse with only driver and attendant pulled alongside a highway patrolman at the metered on-ramp. "We're on our way to pick up a body, and we'll make it three when we come back . . . " They sped off without waiting for the officer's reply. Other inventive drivers used dummy passengers or cardboard silhouettes in the passenger seats. Officers who enforced the lanes were subject to abuse from irate motorists who directed their anger and frustration on the Highway Patrol. Others vented their spleen by refusing to let carpoolers exit gracefully, forcing some to go two or three off-ramps past where they wanted to get off.

The diamond-lane controversy ended when United States District Judge Matthew Byrne ordered the project shut down last August 9th. Byrne found that CalTrans had not filed an environmental impact report after accepting federal monies under a program that required such a report. (Within hours of the decision, motorists were happily disregarding the lane markings even though the order was not officially in effect.) In the 38-page summation of the court hearings, Byrne concluded that the diamond-lane project created a risk of injury to drivers, caused increased congestion and produced other concomitant problems on surface streets.

There are some "misstatements" voiced in Sacramento that also do not serve to build the public's confidence in the transportation program. At a recent press conference, Brown stated, "Those who wish to pour cement are in direct competition for public dollars, in my judgment, with those who wish to build child care (centers), take care of the aged, or protect the environment." That statement ignores the California Constitution which says the gas tax must be spent on either highways or mass transit. Brown has expressed a desire for a constitutional change to allow gas tax revenues to go directly into the General Fund but, until he gets that amendment passed by the Legislature and a vote of the electorate, the only competition for that money is between the highways and mass transit systems.

The transportation-policy world series is reaching the crucial stage. If the Administration can't win through its psychological strategy, it may still prevail on brute strength. Backing up slugger Gianturco is smooth fielder Don Burns and, ultimately, Governor Brown's all-star caliber political pitching (featuring an astonishing change of pace). Over the long haul, the odds are with the Brown team — the Highway Commission, the Legislature, and perhaps even the public, notwithstanding.

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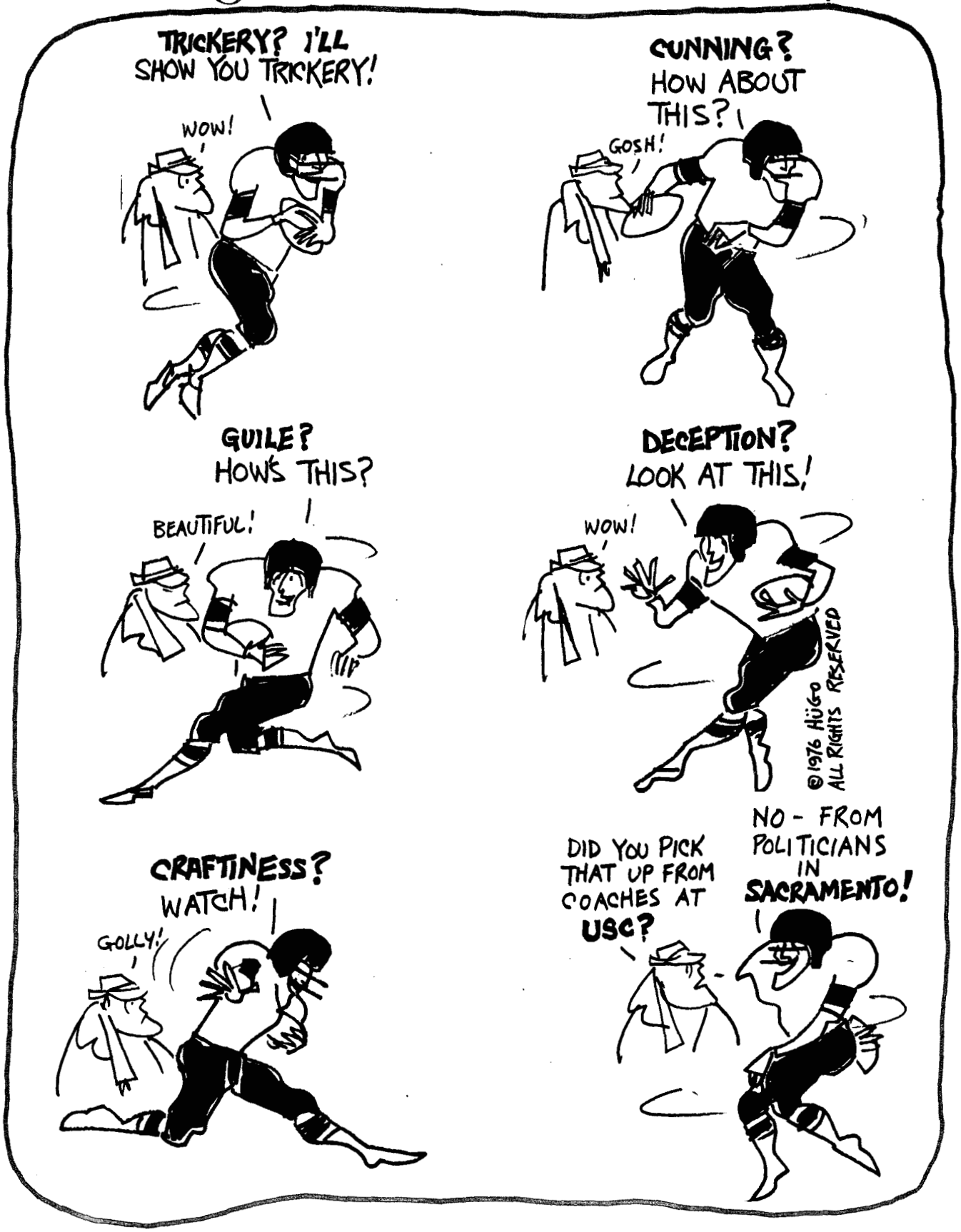

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The Democratic version of the UC budget squeeze

By CHRIS BOWMAN

The University of California during the 1960s had relatively little trouble mustering the necessary political support for increasing its size and stature. As student enrollment more than doubled over the decade, the Legislature poured construction money into the campuses, increasing their number from six to nine. Although student demonstrations in the late '60s provoked some conservatives to propose cuts in UC's budget and demand tuition, most lawmakers gave UC almost anything it wanted from the state. Democrats in particular vested faith in the University as a liberal institution, a proposer of change. Today, much of that faith is gone, and so is the expansion both in students and dollars.

Economically at least, former Governor Ronald Reagan appears to have been kinder to the University than former Berkeley student Edmund G. Brown Jr. Insisting on no new taxes, Governor Brown has forced California educators to recognize that the days of unrestrained growth are over. In the face of a declining birth rate, limited resources and eroded political support, University President David Saxon's problem is to sustain and enhance the quality of the University's instruction and research without growing — a task far more difficult than the problem of vastly increased enrollments which faced his predecessors, Clark Kerr and Charles Hitch.

A predominant view has not emerged yet from the Legislature, but it is clear that many liberal Democrats have defected from their previous unquestioning support. "We've become much less awed by the mystique of the University and much more inquisitive," says Assemblyman John Vasconcellos, who chairs the Ways and Means subcommittee on postsecondary education. (Some conservative Republicans, on the other hand, have become more friendly.)

Vasconcellos believes the University is run by research-minded professors who care little about the personal development of their students. Senator John Dunlap wants UC's Board of Regents to vote on their stock investment policies in more "socially responsible ways." Senator David Roberti, a member of the Finance subcommittee which reviews UC's budget, has refused to approve funding for health-science buildings unless University officials can convince him the new facilities will result in more medical practitioners serving Californians. Charles Warren, chairman of the Assembly Resources, Land Use and Energy Committee, complains that UC researchers do not focus their efforts on the state's energy problems.

These legislators, among others, are also displeased that administrators and professors have not kept many of the promises of the '60s. "They act as though we're still back in the 1950s," Vasconcellos says, "as though there hasn't been student unrest, a war, liberation movements, the end of technological magic and an energy crisis." A chief complaint is that despite the abundance of Nobel Prize-winners and a $1 million state-supported program to encourage teaching innovations, undergraduate teaching ranks well below graduate study and revenue-producing research on the list of University priorities.

1970s more difficult

Minority student admissions have been moving slowly, and minorities and women still hold few top University jobs. A report last year said the University has done little for California's largest ethnic minority, Mexican-Americans. The University has asked for state money to accelerate its affirmative-action hiring program, but Brown and the Legislature have resisted spending money on the program, saying affirmative action is a matter of will, not money.

Continued on next page

The author is Capitol correspondent for nine University of California campus newspapers.

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In the 1970s, the University is immersed in new and more difficult problems. Costs of caring for welfare patients have nearly bankrupted some of its hospitals, and just recently, the California Supreme Court ruled unconstitutional UC's special admissions program giving preferential treatment to minority applicants. "The University has discovered that social problems are a hell of a lot harder than fiscal problems," says President Saxon.

Environmental requirements and community protests this year crippled plans to expand UC's San Francisco Moffit Hospital and build a new dentistry school. Assembly Speaker Leo McCarthy appealed to fellow Regents this year to be "far more sensitive" to the property rights of his constituents. Painfully, the University agreed to limit future campus expansion. "The University has existed for over 100 years," said Regent William Wilson, a Reagan appointee. "The neighborhood groups have been in existence barely a decade. Who are we dealing with?"

These legislative attitudes are beginning to take a stranglehold on the University's flexibility in allocating its state funds. The autonomy over internal policy and fiscal matters which the Regents enjoy under California's Constitution is gradually being weakened by legislative intrusion. Republican Senator John Stull, upset that the University sold land adjacent to its San Diego campus without competitive bidding, introduced a constitutional amendment (Proposition 4 on the November ballot) requiring the University to adopt competitive bidding procedures "which would insure the Regents act responsibly in spending taxpayers money."

The constitutional autonomy has allowed UC to request its funds in lump sums under such broad headings as "instructional support" and "research," while all other state agencies have line-by-line dollar control by the state Department of Finance. But in recent years the amount of "control language" in the budget bill designating how UC should spend these funds has increased significantly. Last year, for example, the Legislature conditioned funding for UC's teaching hospitals upon the medical schools placing more emplasis on turning out family practitioners than medical specialists, which are currently in oversupply. UC administrators are annoyed by such legislative requirements, but do not believe legislators have overstepped their responsibility in keeping the University accountable to the state. Nearly all the state's appropriation — now more than $600 million a year — is still provided in lump sums with no strings attached.

Access to higher ed

The University, being one of the deeper pockets in the state budget, has also received its share of criticism from the Governor, who has his own ideas about how to administer higher education programs. Brown questions the value of higher education, as do many holders of degrees, which a decade ago were regarded as a ticket to an interesting and well-paying job. His philosophy of work — that jobs offering opportunity for rewarding and interesting work should receive modest salaries — has been a sore point with top UC officials whose salaries are as much as $10,000 a year more than the $49,000 the governor receives. The arguments between the Governor and higher education officials are reminiscent of the early Reagan years. Nevertheless, Saxon insists that Brown, unlike his conservative predecessor, believes in quality public higher education, "and that gives us a basis for discussion we didn't have before."

Brown, however, significantly cut UC's budget request for the current fiscal year. The final state spending plan gave UC $618.2 million, roughly $46 million less than requested. Virtually all the money received over the previous year is needed to meet inflationary costs of existing programs. There is no money for new programs or for expansion of existing ones. (The notable exception is a 50 percent increase for educational-opportunity programs for disadvantaged students. The University never asked for it, but got it anyway.)

Through his slim budgets, Brown has, according to his critics, limited access to higher education, threatened the quality of instruction and research, and possibly forced students to bear the burden of increased costs. Brown has twice turned down University requests for money to help pay for inflation-ridden student services now paid out of student registration fees. Saxon has warned that the fees — already scheduled for an increase of up to $93 a year starting fall 1977 — might again be raised in 1980 if the state is unwilling to foot the bill for some of the educationally-related student programs.

Also eliminated from this year's budget was money for UC's fledgling extended university part-time degree program. It marks the second year that the Governor has refused to fund the program. To survive, the program — which last year offered 23 upper division and masters programs to 1,500 students in 30 locations throughout the state — must be funded at each campus with existing resources. Brown, commenting on the extended university, says he objects to UC providing additional education to older students while the state's elementary and high school pupils are receiving inadequate training.

California educators saw the most serious threat to UC's long-standing policy of accepting all qualified Californians this year when Brown proposed to withhold funds for nearly 2,400 currently enrolled students. Brown also removed language from the budget saying no qualified student would be denied admission because of any budget deficiency. Preble Stolz, the Governor's higher-education adviser, said the action was triggered by a suspicion that some of the campuses "were kind of cheating" on the projected enrollment figures, especially in graduate programs, in order to fatten departmental budgets. Brown finally gave UC the money, but only after officials announced that they had revised enrollment projections downward from the 2,400 anticipated students to about 1,000.

What happened? UC officials explained it was a routine reappraisal of enrollment projections. Legislators called it a "sellout" to Brown's lowered-expectations rhetoric. The Governor's office interpreted it as UC taking the Governor seriously.

The University's response to Brown's demand is an indication of the way UC thinking has changed. Rather than complaining vehemently over budget cuts, Saxon and other officials have agreed these are difficult times. While the University fought hard this year to demonstrate the need for additional state assistance, it did so for only a few priority areas — a departure from its past practices.

Stolz said that despite Brown's budget cuts, the percentage of state money alloted to UC continues to be about the same. While the University failed to convince the Governor to support such programs as the extended university, it has succeeded in persuading him and legislators to provide for several of its top priority budget requests, including a new nursing school at UCLA. This is evidence enough to convince Saxon that Brown and the critical legislators are susceptible to persuasion when the University can make a good case for a program. An indication of Saxon's optimism is the University's October announcement that it is asking for a $74.7 million increase in state funds next year — an 11.5 percent increase over the amount approved by the Governor for this fiscal year. Time will prove whether this optimism is well placed.

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PUBLIC: PIGEONS OR EAGLES?

Return of the conflict over legislator salaries

By LEAH CARTABRUNO

"The emblem of our country is not an eagle, it's a pigeon," said Paul Gann, founder of People's Advocate and head of the drive to qualify the Elected Officials Compensation initiative for the June 1978 ballot. Gann is out to limit the remunerative increases elected officials at all levels of government can receive and require a favorable vote of their constituents before they get it.

Last year, People's Advocate circulated a similar petition but fell about 100,000 signatures short of the 500,000 needed to qualify for the ballot. This year Gann feels the public is more aware of what's happening in government and will move to give the government "back to the people." Gann figures the increases in government costs over the past five years are mainly due to the increase in the salaries of elected officials. "The tail is now wagging the dog," Gann states, "and it's time the public determined what their elected representatives are worth."

Gann says Californians lost control of their government in 1966 when the passage of Proposition 1A allowed legislators to set their own salaries. Under the current system, he feels the elected official has to butter up the public for only three months out of every two years — just often enough to get elected. Gann claims that under his proposed constitutional amendment, the elected official will have to pay more attention to constituents throughout the term of office.

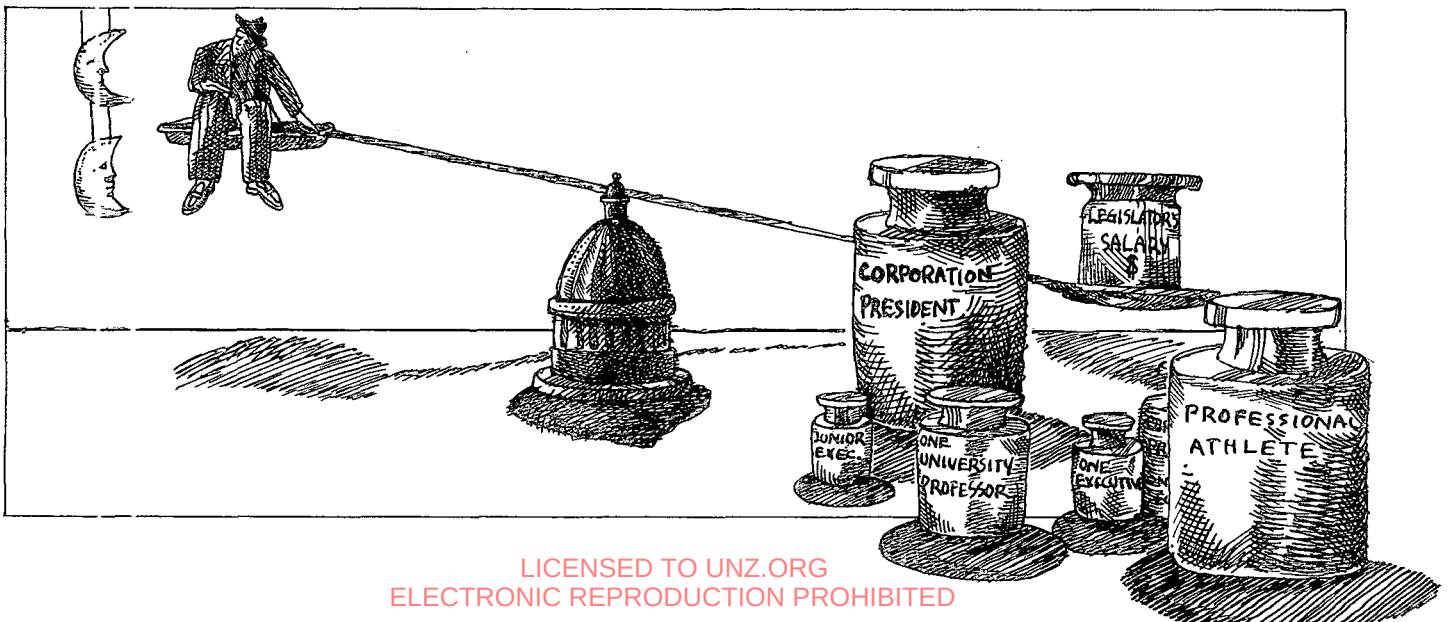
Target: Legislature

The initiative would require that any increase in salary or "expenses" (including pensions) for any constitutional officer, board of equalization member, legislator or judge be approved by a majority of voters in a general election. Elected officials at the local level would subject their increases to jurisdiction-wide elections. The measure also stipulates that compensation for all elected officials in the state would be rolled back to the level it was on January 15th, 1975.

Althouth Gann's initiative includes all elected officials, he really zeroes in on the state Legislature. Under his proposal, legislators would lose their annual income boost from $21,120 to $23,232 that's scheduled for this December. (If you take the current salary and add the cost of benefits, legislators' annual total compensation ranges from $28,000 to at least $40,000. See "The rewards of service in Sacramento," *CJ* March 1976.)

Gann complains that Proposition 1A didn't fulfill its promise of attracting better people to the Legislature by making the job full-time and raising the salary from $6,000 to $16,000 a year. The salary and benefits are now lucrative enough for people to seek the position for financial gain, he claims, and he decries the retirement program as one that "would shame J. P. Morgan." As an example of misplaced trust, Gann talks about the amendment put into a bill by Senator Al Song during the final hours of session this September to allow judges who had previously served in the Legislature to count the time served in the legislative branch toward their judicial retirement benefits. (The Governor vetoed the bill.)

Representing the Legislature's side of the issue is Assembly Speaker Leo McCarthy, who has maintained he would be willing to give up all fringe benefits, except for a travel allowance to allow Southern Californian legislators to commute to Sacramento, for a "decent salary" which might be about double the current rate. (Present fringe benefits include pensions, per diem, travel, cars and free gasoline



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and telephone usage.) Faced with the U.S. Internal Revenue Service lusting after the just-increased $35 per diem (see accompanying box), and the public hue and cry every time expenses are published, legislators would be better off with an increased lump sum.

McCarthy intends to reintroduce a constitutional amendment to set up an independent elected-officials pay commission. This year the measure, SCA 33, was killed on the Senate floor by lobbying judges who didn't want their automatic cost-of-living increases tampered with. (The judges eventually were socked when a provision in AB 3844 by Assemblyman Knox froze their salary for 18 months and limited cost-of-living increases to five percent a year.)

The constitutional amendment McCarthy intends to sponsor would:

- Establish a California Elected Officials Compensation Commission made up of seven members appointed by the Governor — the chairpersons of the Fair Political Practices Commission, the Little Hoover Commission and the state Personnel Board; two public members, and two representatives each from a taxpayers' association and a "good government" organization. The commission would be dissolved after making the required determinations.
- Empower that group to set the annual salary, retirement, insurance and travel and living expenses (including per diem, if any) that constitutional officers, board of equalization members, justices and judges and members of the Legislature will receive. The measure also specifies that no automobile will be supplied except for official business and must be of the same type as provided for other state employees, and that health care benefits and insurance cannot exceed that available to the majority of civil servants.
- Subject the commission's recommendations to ratification by a majority vote of the members of each house of the Legislature.

The ratification provision was shunned as long as possible last session, and only was added in a conference committee report. The pay-commission concept still falls far short of the public-control role envisioned by Gann and People's Advocate. This group doesn't intend to let go after the elected-officials pay issue; Gann just sees it as a good place to start applying the brakes. The property tax and public-employee unions' demands for "higher salaries and engorged pension benefits" are the next targets. Gann's organization has until February 11th, 1977 to collect the necessary 499,846 signatures on the salary initiative to get the measure on the June 1978 ballot.

Lawmakers' PR problem

But what accounts for the public-relations problem the Legislature experiences with the electorate? Los Angeles County supervisors earn more than twice as much as state legislators but the supervisors' automatic pay increases, tied to judges' salaries, don't cause the emotional traumas felt when the Legislature increases its own pay. (The last increase of 10 percent came after four raise-less years and two years of double-digit inflation.) Running the state of California must be as difficult as running Los Angeles County or a major corporation. Why, then, do legislators engender such resentment?

Not all of it is their making. The Legislature is the fall guy for everyone from the Governor to local government officials to the angry taxpayer. If something happens you don't like, blame it on the Legislature. If something is about to

California legislators as lobbyists (for themselves)

By Leo Rennert

The California Legislature, which knows something about the triumphs and agonies of lobbying, has met with only limited success in persuading Congress to prevent federal tax-collectors from taking a big bite out of its Sacramento expense allowances.

After 18 months of pushing for relief on Capitol Hill, the result amounts to less than half a loaf. While Congress did wipe the slate clean on any back-tax claims, it left the Internal Revenue Service free to dock per-diems of state legislators from last January 1st into the indefinite future.

For members of the California Assembly and Senate, this means a continuing threat of having to fork over about $2,000 a year to Uncle Sam out of what used to be completely tax-exempt supplements to their official salaries. It's a prospect which has kept the wires humming between Sacramento and Washington with short-tempered exchanges.

Federal lawmakers, in a misery-loves-company mood, have served notice there will be no permanent solution to the plight of their state brethren until congressional remuneration is improved — a step which proved politically impossible in this election year. State lawmakers are grousing that Washington better get moving or some congressional districts might be put through a pretzel machine in the next reapportionment. While the outcome remains uncertain, the episode already has spotlighted a significant new development in both Capitols (state and U.S.): As direct legislative salary boosts run into increasingly hostile reaction from voters and taxpayers, the importance of "back door" benefits grows correspondingly.

Sacramento — tax home

For the California Legislature, the battleground is the $35 per-diem, raised recently from $30. With lengthening sessions, it now amounts to $6,000 or more a year. Until last year, it was considered compensation for "out-of-town" expenses, and thus tax-exempt, just as a businessman deducts his tabs when he attends an out-of-town sales meeting. But then, the IRS stepped in with a new ruling. In a case where a California state legislator spends most of his time and derives most of his income from work in the state capital, his tax "home" is Sacramento and not his district, it declared. This changes per-diems from tax-exempt "out-of-town" reimbursements to regular, taxable income on a par with a legislator's regular salary.

Bolstered by a U.S. Tax Court victory involving the Michigan Legislature, the IRS went to work in California and other states where service in the Legislature is virtually a full-time, year-round job. It demanded payments not only on current per-diem receipts, but for the last three years as well. For some high-bracket legislators, this created due bills of up to $6,000. Assemblyman Daniel Boatwright of Concord was as-

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happen you don't like, get the Legislature to kill it while you make public statements to the contrary. Legislators are easy "heavies."

But some of it is their making. If you trudge along at 55 mph and are passed by some A-plated or S-plated car (designating an Assemblyman or Senator) going 90 or 100 mph, it's hard to keep your respect for the law and its makers. When you have to wait to get on a crowded airplane and some legislator uses his influence to either get on ahead of time or even bump you from the flight, it's hard to forget that person is supposed to be a public servant. No ordinary citizen is offered a free trip to Israel or Russia, or even Washington, D.C., unless he or she wins it on a quiz show, and even then the citizen pays taxes on the prize. Legislators get free trips to cosmopolitan cities and foreign countries more often than ghetto kids get sent to summer camp — and the most they have to do is make sure they report it to the Fair Political Practices Commission.

But there is a more important issue than public relations. The question is not only how much we pay our elected officials, but whether we are the only ones paying them. Gann in his initiative did not address the issue of "moonlighting" legislators. The theory behind Proposition 1A was that lawmaking is a full-time job and it merits a full-time salary. So the salary went up, but not all legislators are giving their full attention to the job.

One recent report showed nearly two-thirds of the members of the Legislature receiving outside income. But a careful distinction must be drawn between the income a representative receives from investments that take no appreciable time away from the Legislature, and that income which is earned and does take time away from lawmaking.

The most frequent and publicized offenders are the attorney-legislators. But it doesn't end there. There are insurance men, farmers, corporation officers, business owners and others who come under the same category. If a legislator is given a salary between $45,000 and $50,000 a year for what is supposed to be a full-time job, should that people's representative have the right to maintain another occupation, or should there be a restriction on outside earned income and a limit on honorariums? That will be a pivotal question facing McCarthy's proposed commission, if it is ever established.

Speaker McCarthy says he is personally in favor of such a stipulation, but knows a number of legislators who are not. McCarthy thinks those in marginal districts, who never know when they will be defeated, want to maintain a source of outside income just in case the dreaded happens. But he does admit that not all who moonlight are from marginal districts. He estimates that only half of the attorney-legislators want to keep up a practice. (Another variation is the attorney-legislator who does not actually practice but keeps his name on the firm and collects a share of the profits.)

McCarthy agrees that the key is whether the income is earned and time is taken away from the Legislature. If such an earned-income restriction were tied to a major salary adjustment, McCarthy thinks the reaction would be similar to the one elicited by Proposition 9 (the Political Reform Act of 1974): griping by some, willing acceptance by some and silent acceptance by others.

Pigeons or eagles? Will the people react to the pay question emotionally or impassionately? Can the public be expected to know what a legislator is really worth?

sessed more than $5,000; other sizeable claims included nearly $4,500 for Ken Meade, and about $3,000 each for Louis Papan, Bill Lockyer and Frank Murphy, according to press reports. Although the IRS allowed deductions for some in-district legislative expenses, now considered "out-of-town" tabs under the Sacramento-is-your-home ruling, these represent only a minor offset to the much bigger per-diem tax take.

The Legislature chipped in and hired some tax lawyers to keep the IRS at bay while it lobbied Congress to pass special relief legislation. Assembly Speaker Leo McCarthy took charge of enlisting support on Capitol Hill, where Senator Alan Cranston and Congressman James Corman of Van Nuys obligingly went to work.

Congressional sugar

The House approved a provision restoring the tax-exempt status of per-diems and nullifying the IRS back-tax claims. But it coupled this generous act with a "sweetener" for members of Congress, who face a somewhat different tax problem. Federal law since 1952 has designated a congressman's district as his tax home, but he collects no per-diems and there is a $3,000 ceiling on Washington living expenses he may claim on his federal tax returns. If there was to be relief for state legislators, the House insisted on lifting the $3,000 limit under a new set of deduction criteria which would have given congressmen an extra $2,000 or more in net annual take-home pay.

The Senate, however, refused to accept this "linkage" of two sweeteners. Cranston agreed to push only for state-level relief. McCarthy also created waves by seeking further "improvements" in the Senate — mainly tax-exempt status for per-diems collected not just on workdays but also on week-ends. Instead of rubber-stamping the House, the Senate set up a conflict which resulted in a near-wipeout in the pre-adjournment rush. If Congress were to be excluded from the deal, House members were not about to grant special favors to state legislators upon whom they often look as potential challengers quick to criticize special congressional emoluments.

The main battle finally was deferred until next year — with only prior-year liability for state per-diems erased for now. "The whole thing was positioned so that the state legislatures and Congress will remain hooked together next year," said one Capitol Hill insider. "Both sides are going to get something — or neither will."

The author, a frequent Journal contributor, is Washington correspondent for the McClatchy Newspapers.

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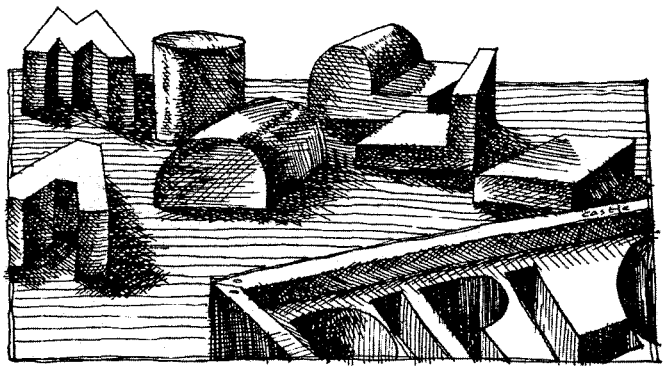
The quick way to a high school diploma



By ELLEN POLGAR

If you can solve these problems, you can get the legal equivalent of a high-school diploma in California:

An accountant charges $40 an hour. What would the accountant charge for providing services 2 hours a day for 2 weeks, not counting weekends?

a. $400
b. $800
c. $1200
d. $1600

A housewife will pay the lowest price per ounce for raisins if she buys them at the store which offers:

a. 12 oz. for 40¢
b. 14 oz. for 25¢
c. 1 pound, 12 oz. for 85¢
d. 2 pounds for 99¢

These questions are typical of those on the California High School Proficiency Exam (CHSPE) which has been administered twice thus far — on December 20, 1975 and March 27, 1976 — under legislation exempting students who pass the test from attending high school. California is only one of five states that require students to attend school until they turn 18 or have graduated. The 1972 bill, authored by Senator Arlen Gregorio, established a method through which 16- and 17-year-old Californians could be exempt. Now, a student who passes the exam receives a certificate equivalent to a diploma and may leave school at 16 with parental permission.

(Under another Gregorio bill enacted this year, the test can also be taken by those 18 and older as an alternative to the traditional and more difficult General Educational Development (GED) Exam.)

Students who pass the CHSPE, which costs $10 to take, will find that their options include:

- *Terminating formal education and entering the job market.*
- *Enrolling at a community college, which must accept certificate-holders, or another institution of high education (if they qualify).*
- *Leaving high school for other reasons.*
- *Staying in high school to take more pleasurable classes or to qualify for a university or a job.*

Turnout sparse

The exam, which is designed so that the upper half of an average second-semester senior class would pass and the lower half fail, is composed by the state Department of Education and administered by the Educational Testing Service. It is not designed to measure aptitude for college, but rather the grasp of practical reading, reasoning and computing skills. It is four hours long and consists mostly of multiple-choice questions with an additional essay section. Only pass or fail grades are made available to the students and their school districts so that district-by-district comparisons cannot be made. The Department of Education believes any such comparisons would be invalid since schools have no control over which students take the test.

Thus far, fewer students are taking the exam than anticipated. And substantially fewer than 50 percent are passing. The results:

	Dec. 1975	March 1976
Eligible	670,000*	670,000*
Taking test	12,150	18,465
Passing	5,430 (45%)	5,976 (32%)

*Approximate

Possible explanations for the small turnout: Publicity was sparse and uneven. Some school administrators and teachers may have discouraged students from taking the test because of the potential loss of district funds and, thus, teaching jobs. Teachers also may have believed that students who passed but remained in school might become disciplinary or educational problems. Most 17-year-olds taking the test were close to graduation. Students likeliest to pass are planning to attend college and would prefer a traditional diploma. Job opportunities are limited for those who pass.

Gregorio expected the test to attract two types of students — those of roughly average ability who do not do well in conventional high schools, and the "bright but bored" who would like to head straight to college. The tests attracted mostly the first type. More sophomores and juniors than seniors have signed up for it. About 85 percent of those taking the test said they would leave school, but those with the best passing rate were those planning to attend college.

School districts are hurt financially by the test program. As students leave, costs cannot be cut correspondingly and revenues are reduced. But there is a corresponding benefit to the community colleges, which gain students and, thus, can add teachers. There are fiscal benefits to the state as a whole, since the effect of the program is to reduce schooling time and to accelerate the start of an individual's economically productive life.

For districts, there are also significant educational effects. Schools are more likely to lose disaffected students, not the prize pupils who make teaching a joy. Those who pass and stay in school will force secondary education to become more imaginative, and, if enough students catch onto this option, the demand for innovative courses could increase. This could produce protests from some legislators, parents and taxpayers. The program was hardly intended to produce a more liberal curriculum.

This article is based on the author's master's thesis for the University of California, Berkeley, School of Public Policy.

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How long can Brown avoid the tax-reform issue?

By LARRY AGRAN

The issue of fundamental tax reform seems to hold little interest for Jerry Brown. To date, Brown's ventures into the tax jungle have been few and peripheral in nature, limited to symbolic "loophole closing" such as ending the insurance company home-office property-tax deduction and virtually eliminating the California oil-depletion allowance. While these gains may be praiseworthy, they account for less than $50 million in new state revenues and do not begin to address fundamental realignment of the tax burden.

Intent upon preserving his gubernatorial popularity, Brown's caution on the tax issue apparently is carefully thought out. He sees tax reform as a no-win proposition, observing, "The people who would benefit from tax reforms don't understand or appreciate what you're giving them, but the people who have their taxes raised know exactly what they're losing and will scream." Despite his calculated disinterest, a series of developments make it very unlikely Brown can continue to avoid the tax issue.

The property tax, recognized as the most regressive major tax source, is the single largest revenue-raiser for local government. It is also the most politically explosive tax issue. During Ronald Reagan's governorship, the bi-partisan commitment to "property tax relief" was the glue which held several fragile legislative packages together. Among these were the homeowner's tax exemption and the renter's tax credit — programs now costing the state over $1 billion per year. But these measures, which once seemed ambitious in scope, have been eclipsed by inflation's impact on the property-tax structure.

The author is a Los Angeles-based attorney and former counsel to the state Senate Committee on Health and Welfare.

The recent Los Angeles County experience suggests the nature of the crisis which lies ahead. When residential property in certain sections of Los Angeles County was reassessed, homeowners were shocked to find that the assessed valuations on their homes — and their ultimate property tax bills — jumped 40 or 50 percent in many cases and over 90 percent in other instances. The homeowner's anger was evident at numerous outdoor rallies and at the county's Board of Supervisors' meetings.

There is a more lasting significance than just the immediate property tax uproar. These rather spectacular assessment increases are the product of lapse-time. Inflation relentlessly boosts the dollar value of a dwelling, but it may be several years before the assessor's office actually gets around to re-evaluating its worth. Especially with the severe inflation of the 1973-1976 period, these pent-up inflation-induced increases in property values will translate into jolting property tax bills. The consequence is likely to be a sustained property tax crisis which will span the next several years at least.

Political fallout

The political fallout from the property tax squeeze is considerable. Although the current property tax outcry has been limited primarily to sections of Los Angeles' San Fernando Valley, the impact is already becoming statewide. Legislators in hard-hit districts are talking about property tax reform being the "number one priority" when the legislative session begins.

The discontent in Los Angeles has fueled three separate initiative drives

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attempting to qualify for the June 1978 ballot. One of the initiatives, led by Howard Jarvis and the United Organizations of Taxpayers, would limit property taxes to one percent of market value. Another sponsored by Los Angeles County Assessor Philip Watson would limit property taxes to 1.5 percent of market value. Both would force the Legislature to come up with billions of dollars in new taxes to pay for the proposed relief.

Watson failed in two previous initiative attempts at limiting property taxes. In 1968 and again in 1972, he qualified initiative measures for the ballot, but they were soundly defeated by the voters. It is noteworthy that in both instances the Legislature and the governor were compelled to scurry about, putting together legislative and ballot proposals which they dubbed "responsible alternatives" to the drastic initiative approaches. The emerging dynamics are strikingly similar for the coming 1977-78 legislative session.

Adding to the impetus for property tax action is the state Supreme Court's anticipated decision in *Serrano* v *Priest*. In its 1971 landmark decision, the Court opened the way to a judicial finding that the state's system of financing public school education from local property taxes discriminates against the poor and violates the equal protection provision of the California Constitution. The 1971 *Serrano* decision was followed by further lower court action and renewed appeals which have delayed a final outcome for five years. But the long court battle now seems near its conclusion. The best guess is that the Supreme Court's order, expected this December, will require the Legislature to close the educational finance gap between the rich and poor school districts with the infusion of hundreds of millions of dollars in new funds directed to low-wealth schools.

Ronald Reagan managed to defer *Serrano's* budget-bending implications beyond his last term as Governor, but it is unlikely that Jerry Brown can do the same. If the *Serrano* decision carries an ultimate price tag as large as some experts believe — perhaps half a billion dollars or more per year — a major tax overhaul will be necessary to generate on-going revenues to meet the Court's mandate.

Tax reform bill

A small group of lawmakers, unaccustomed to real opportunities for tax reform, would like nothing better than to see events unfold in a way which forces a thorough top-to-bottom review of the state's entire tax structure. Senator John Dunlap's SB 540 was the most recent embodiment of the reformist objectives so long — and unsuccessfully — sought.

According to its author, SB 540 "would have closed $750 million in tax loopholes for the wealthy." More specifically, it would have involved a major shift in the tax burden by implementing a new income bracket structure designed to lower taxes for 60 percent of all Californians. It would give those earning less than $15,000 annually an additional tax credit. For those in the $15,000 to $34,000 a year bracket, the line would be held on tax payments. For those earning $34,000 to $125,000, taxes would increase from the current 11 percent maximum to a new high of 23 percent on a graduated income scale. The bill also would have cut back severely on preferential treatment of capital gains. (At Brown's request, the Legislature this year eliminated state income taxes for the "working poor.")

Interestingly, Dunlap's measure was conceived and drafted with the assistance of the California Tax Reform Association (CTRA), a fledgling citizens' lobby working for a progressive redistribution of the tax burden. CTRA and Dunlap's cooperative venture went down to defeat in the Senate Committee on Revenue and Taxation. But the bill is sure to be reintroduced in 1977 and, in the midst of an emerging tax turmoil, its key provisions are more likely to receive serious consideration.

Although it is difficult to gauge the degree of influence the CTRA will yield in the 1977-1978 session, the organization seems to be an increasingly significant force on the tax scene. Its dues-paying membership, now nearly 1,000, continues to grow steadily. Unlike other citizen lobbies, CTRA is led by legislative "insiders." For example, its president, Jonathan Lewis, is a long-time aide to Senator Nicholas Petris. CTRA's twofold strategy seems clear: continue to build a mass membership, capitalizing on citizen discontent over taxes; and work the legislative process for redistributive tax reforms, pressing for the larger schemes but willingly accepting more limited gains.

There is one more factor to be considered in the 1977-1978 tax reform picture: Jerry Brown's future as a national political figure. Democrats generally, and liberal legislators in particular, can be expected to lean heavily on Brown, urging him to abandon his aloof posture on taxes in favor of a more activist leadership role. The Governor will be reminded that the passage of Proposition 5 — the June, 1976 ballot measure which eliminated the two-thirds vote requirement for raising taxes on banks, corporations and insurance companies — was intended to ease the way for comprehensive tax reform, and should be used for that purpose without delay. Brown did make the broad pledge "to end special privileges once and for all." And reformers will almost certainly remind Brown that the current fad of promising nothing specific — and then faithfully delivering on the promise — can't last forever.

In measuring the stature of a future presidential aspirant, national Democrats may employ a more traditional, pre-1976 yardstick — one which takes a careful accounting of a politician's demonstrated record in redressing economic inequities. While he may have to use up a good deal of his statewide political populatirty to achieve the desired tax reform, Brown may yet come to realize that the national payoff would be well worth the investment.

It seems clear that after the 1977-1978 legislative session, at least on the question of tax reform, Jerry Brown will have to show something far more substantial than a record of mystical ruminations.

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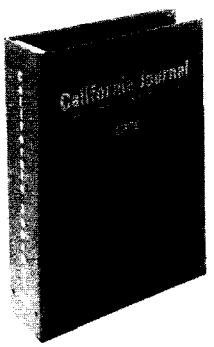

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PLAN FOR A SECOND DRY YEAR

Irrigating the farms with urban wastewater

By PATRICK FERRARO and KAY DAVIDSON

California is approaching the end of a critically dry year and worrying about the possible disastrous effects of another dry winter. Agronomists are projecting that an extended drought would mean economic downfall for the agricultural industry, which consumes 85 percent of the state's developed water supply. Water experts are considering the rapid development of reclaimed wastewater to avoid a crisis both for the farmer and the consumer.

New water-pollution laws make reclamation more attractive than ever. Federal and state statutes now require a minimum of secondary treatment (90 percent purification) before the water can be placed back into the environment. This secondary treatment renovates wastewater to a quality level acceptable for irrigating a large percentage of California's agricultural land.

Reclaimed wastewater is now being used in 200 places within California for agricultural irrigation, landscaping and recreation. About 200,000 acre feet of wastewater out of a potential 1.7 million acre feet are now being reclaimed. (An acre foot is 326,000 gallons.) Most of the wastewater from the Los Angeles and San Francisco Bay areas could be piped to coastal and inland farm areas to provide a firm supply of irrigation water.

The responsibility for statewide coordination of reclamation activities is shared by the state Water Resources Control Board (WRCB), nine Regional Water Quality Control Boards and the state Departments of Health and Water Resources (DWR). For the past year, a wastewater reclamation task force headed by WRCB member Jean Auer has been developing an action plan for the state. The task force suggests that reclamation should be the first priority of the WRCB. Key elements of the plan:

- A new concept in water law, allowing the deferral of certain types of water rights and the substitution of the use of reclaimed water.
- WRCB approval of most water-supply contracts subject to a requirement that reclaimed water be used to the extent feasible.
- Legislation enabling DWR to construct wastewater reclamation facilities as part of the state Water Project.
- Health Department formulation of reasonable groundwater criteria without dictation of specific processes.
- A WRCB recommendation that the Governor oppose any federal water-development projects which do not include implementation of all feasible wastewater reuse projects.

"We must have a total state program rather than piecemeal efforts," Auer said. "The task force recommendations will set priorities for water development for the decade. Each basin plan will be substantially affected." She suggested that demonstration projects need to focus on each problem area, such as agriculture, and that projects should be placed in water-short areas to free higher-quality water for other uses. In addition, Auer stressed the importance of public education to avoid conflicts among opposing factions.

Under the federal Water Pollution Control Act, second-phase planning for water-quality management has begun. A large amount of federal funds will go to other states if the California agencies conducting these studies do not recommend the early implementation of reclamation programs.

DWR is reasonsible for the administration of the state Water Project and the development of new water supplies for California. During the administration of former Governor Pat Brown, DWR developed a new water supply which placed thousands of acres of arid farmland under irrigation to help feed a growing and hungry population.

Early in his administration, Governor Jerry Brown appointed Ron Robie as director of DWR. Robie was formerly

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vice-chairman of the WRCB. He changed the direction of the department by declaring that the most viable alternatives for further water development are wastewater reclamation and water conservation. (Conservation is used to mean reducing the amount of water required by each consumer rather than the traditional storage of seasonal runoff from rivers and streams.) He pointed out that the cheapest water is obviously that not used at all.

The Legislature already has started implementing Robie's program by requiring that low-volume toilets be installed in all new construction. This action creates a double savings by decreasing both the amount of water to be delivered and the amount to be cleansed after use. Robie demonstrated his determination to implement reclamation by withholding state support of the federal San Felipe project until the Bureau of Reclamation's contractors agreed to reduce the quantity of imported deliveries and substitute up to 60,000 acre feet of reclaimed water for the agricultural demand in the service area.

Jerry Meral, deputy director of DWR, is on record as a strong water reclamation advocate. As a former staff scientist to the Environmental Defense Fund, Meral participated in a suit against the East Bay Municipal Utility District for failure to utilize wastewater reclamation. Meral finds it is hard to get anything through the vast bureaucracy but, "implementing reclamation is even harder." He feels the Health Department is the major stumbling block.

The Health Department's water-sanitation section, headed by Henry Ongerth, emphasizes that it encourages the use of reclaimed water for crop, pasture and landscape irrigation. Ongerth has set standards designed to eliminate disease-causing agents from wastewater prior to irrigation to minimize transmission through crops. Dr. James Cook, Health Department representative on WRCB's reclamation task force, expressed this positive view: "The direct benefits of water conservation, open space preservation and protection of surface waters are important by-products of wastewater reuse. These benefits are significant, positive health factors which will contribute to maintaining a high quality of life."

The coordination of wastewater reclamation projects can play a key role in the preservation of prime agricultural land at urban fringes. A proposal by Patrick Ferraro, a director of Santa Clara Valley water district, would permit water-pollution-control grants to be used to purchase easements for the irrigation of farmlands adjacent to urban areas — a prime market for large-scale reclamation. This would guarantee that the market for irrigation water was not lost and would help prevent urbanization of prime farmland.

More than 20,000 acres of agricultural land are irrigated entirely or at least supplementally with reclaimed wastewater. The state Board of Health recommended using sewage for irrigation 60 years ago. Bakersfield has used sewage for irrigation since 1912. Experience shows no indication of adverse health effects.

The WRCB is in the process of reviewing basin-wide plans which detail the transmission, treatment and disposal points for all wastewater collected by a sewer system. Generally, the systems involve miles of pipeline carrying sewage to large regional treatment plants for disposal through outfalls into the Pacific Ocean or its estuaries. All basin plans consider reclamation, usually at a later stage.

Local reclamation is never precluded, of course, but is hardly enhanced by the expenditure of funds for the exportation of the wastewater to a remote treatment plant. If extensive disposal systems are constructed, they would drain off most of the funds presently allocated under federal and state provisions. Funding for reclamation projects would require new appropriations from Congress and California voters.

Sim Van der Ryn, State Architect and head of the state Office of Appropriate Technology, is detailing the benefits of a completely opposite approach. He believes the treatment of wastewater at its source and the planned reuse of water in small amounts serving local conditions is the most economical approach to total water management. He is working to use low-technology waste treatment in state facilities beginning with Angel Island State Park in San Francisco Bay, where water hyacinths would be tested to stabilize wastewater prior to spray irrigation.

Roy Dodson, a sanitary engineer and WRCB member, also is actively encouraging lower technology for reclamation. He describes a pilot project aquafarm which utilizes a complex food chain with water hyacinths and fresh water shrimp as the harvest products at the top of the chain. Another approach supported by Van der Ryn is the establishment of special districts to maintain and repair septic tank systems, and the use of split water systems using low volume or dry toilets and a grey-water (non-sanitary domestic waters from showers, washing machines and such) system for domestic irrigation.

After years of rhetoric about the pros and cons of wastewater reclamation, Mother Nature and federal regulations have set the stage for California to begin to take action to develop this long-wasted resource. Reliance on California's agricultural resources makes reclamation necessary to avoid the loss of crop production from extended drought.

The question remains: Will our social structure be able to respond fast enough? The WRCB is expected to adopt the Reclamation Action Plan in December. If winter rains haven't begun by then, reclamation projects will become the state's first priority so farmers can irrigate next season's crops.

From sewage to usable water

Wastewater reclamation involves the physical, chemical and biological treatment of domestic, industrial or agricultural sewage discharges. Traditionally, the processes used to renovate wastewater have been divided into primary and secondary treatment.

Primary treatment consists of screening of the wastestream, followed by gravity separation of grit and other heavy matter. This process, which could be expected to remove up to 50 percent of the organic pollutants, was the extent of the treatment many communities gave to wastewaters before release into the nearest stream, river, estuary or the Pacific Ocean.

The minimum treatment required by the federal Water Pollution Control Act of 1972 is termed secondary and involves removal of 90 percent of the organic pollutants. This is usually accomplished by providing suspended organic matter in the sewage as food for a chain of microorganisms, which are subsequently removed.

Other processes are also in use today which cleanse wastewater beyond the 90 percent purity level achieved by secondary treatment. The tertiary or advanced treatment processes have been used for many years in conventional water treatment plants. They include lime coagulation which removes phosphates, heavy metals and virus; sand and multi-media filters to remove suspended matter; activated carbon filters to remove organic elements which cause taste, odor or color.

Blending of reclaimed water with surface or underground supplies can be used to improve the mineral quality of either supply, depending on which source has the higher concentration of dissolved salts.

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What's wrong with our business climate?

(And what can be done to improve it?)

By Bob Monagan

In executive suites across America, California has a reputation as a poor place to invest business capital. Why does California have such a poor business climate, and what can be done about it? At the request of the Journal, *those questions are explored in the following article by Bob Monagan, president of the California Manufacturers Association and former Speaker of the Assembly.*

John La Farge wrote, "The Prophet of doom gains a shouting audience, but he who speaks of hope will be heard long after the noise dies down." A great deal of doomsmanship has been expressed about California's economy, business climate and unemployment. It is not without factual merit, but we need to start approaching our economic difficulties from a positive posture. Most of our problems can be solved — if we are prepared to face the facts about our current economic status and the downward trend it represents. They can be solved if we are ready to put aside political differences, and break down the hard positions on the critical issues that divide us.

The bottom line is jobs. We are now facing a 9.7 percent unemployment rate in California. It is estimated that we will average 9.6 percent unemployment for 1976 despite an improving economy, a disastrous point at which to stabilize. Given all sorts of modifiers to the figures, we still have an unemployment rate of almost 10 percent, a rate which we cannot afford. And this tells only part of the story. Among youth and minorities the rate can run as high as 30 percent.

To make a dent in this figure will require a significant level of economic expansion. Take a look at the numbers. According to Conrad Jamison, vice president and economist for Security Pacific Bank, a minimum of 181,000 jobs must be created in each of the next several years just to hold our unemployment rate to the 1976 average of 9.6 percent. If we are to reach the more tolerable level of unemployment of 6 percent, we will need 256,000 new jobs every year through 1981.

Back to growth

Under any circumstances, the creation of that many jobs will be a tremendous challenge. It will require a substantial amount of growth in the state's economy and some modification of the anti-growth, anti-development attitude which is so prevalent in California. We are not talking about economic growth for growth's sake or to accommodate the high level of in-migration experienced in the past. We are talking about providing employment for people who already live here and need jobs now. The pressure to meet this demand will increase for at least the next five years.

Sixteen, fifteen, fourteen . . . and counting down. These are the key figures we must contend with, for they represent the real challenge. There are more 16-year-olds in California than any other age group. Next in line are the fifteen-year-olds, and right behind are the fourteen-year-olds. This tidal wave of young people already is starting to inundate the job market. Many are minorities, semi-skilled at best, high school dropouts and graduates, and community-college grade-level achievers. They are looking for the type of jobs that industry can best provide.

A little-known fact: Since 1970, the California labor force has been growing nearly two and a half times as fast as the population on a percentage basis. In the six-year period between 1970 and 1976, total population increased 1,318,000 or 6.6 percent. The civilian labor force increased 1,386,000 or 17.1 percent. Given this dynamic situation, it is clear that economic expansion is not only desirable but is a social, economic and political necessity.

But there are many obstacles to providing the needed jobs. Our high cost of unemployment insurance and our welfare programs exacerbate the problem. A vicious circle is at work in the labor marketplace. The more unemployment, the higher the cost of welfare and unemployment insurance. The result is to raise the cost of creating jobs and, thus, fewer jobs are created. This is followed by more unemployment, a further increase in welfare and unemployment costs, on and on downhill.

Chavez's victory

The more we need jobs the less inclined we seem to be to create them. There are only two real sources for "basic" employment — productive jobs — agriculture, and manufacturing and processing. There is some limit upon the number of government employees that taxpayers can sustain, and "service" jobs are dependent upon the "basic" employment.

We are losing, not gaining, productive employment opportunities in agriculture and industry. There are over 100,000 fewer industrial jobs in the state now than there were two years ago, and Cesar Chavez's victory may turn out to be pyrrhic in nature. Agricultural workers will be better paid and will have improved working conditions, but there will be fewer of them working. The recent Industrial Welfare Commission decisions that affect the minimum wage and overtime pay in agriculture accelerate the requirement for farmers to invest in job-reducing equipment to harvest the crops.

Not all of our loss of industrial jobs can be attributed to fluctuations in defense and space-related industries or to general economic conditions. Some manufacturers and processors simply expand outside California or leave the state altogether. Big concerns with multiple locations around the country are shifting operations to other states because of lower costs.

Whether we like it or not, decision-makers who help de-

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cide where jobs are to be created and maintained believe that California leaves a great deal to be desired when making the huge investments of capital that are required to develop jobs. We know that business leaders are influenced favorably by our large market and good climate. But because they must compete with producers in other states and countries for markets both in and outside the state, they also look at some other important factors in reaching their conclusions. For example, among the continental states, California:

- *Is surpassed only by New York and Massachusetts in public welfare expenditures.*
- *Has the highest tax rate for unemployment insurance based on total wages. (As a result of 1975 legislation, the average employer costs per employee nearly doubled from 1975 to 1976.)*
- *Ranks within the top three states in property taxes, state and local taxes and in percentage of total state taxes paid by corporations.*

California also:

- *Is moving from a low-energy-cost to a high-cost state, with industrial users subsidizing residential users.*
- *Imposes higher environmental regulations than federal law requires.*
- *Exceeds federal regulations in Occupational Safety and Health (OSHA) requirements, calling for criminal as well as civil penalties.*
- *Has set higher minimum wages than federal standards and has imposed many other laws and regulations usually more burdensome than other states.*

We may not be 47th out of 48, as the recent "Fantus Report" rating the continental states suggests, but the picture presented to prospective investors certainly is not bright. The cost of doing business is high and the regulatory process is cumbersome and time consuming. Those who believe that California is already a highly industrialized state, and thus discourage any further industrialization, are in for surprises too. Although California has more manufacturing workers than any other state, it is considerably less industrialized than the national average. California is only 88 percent as industrialized as the nation as a whole.

So much for the "prophet of doom." Now let's speak of hope. What can we do about our present situation? We are not suggesting that some of the hard-won environmental standards and increased benefits to workers be rolled back; nor do we want to "wreck the environment," as recently suggested by the Governor in characterizing the motives of those who criticize our business climate. We only hope that, given our high unemployment and present competitive position with other states and other countries, our Legislature and administration would step back and very carefully review where present policies and regulations affecting the cost of doing business are taking us.

Accentuate the positive

But, more important than that, the Legislature and the administration must take a more positive attitude toward economic development. The state cannot survive without it, so we must work harder to get it. We need the leaders of our state — beginning with the Governor — to make public, loud and lucid statements that we are going to encourage economic investment and development to meet our job needs. It may not be the time to place ads in *Fortune, Forbes, The Wall Street Journal* or other business publications, as many other states do, but a few press releases and speeches saying California welcomes job-producing activities would help a great deal.

What we say is often more important than what we do. Whatever deficiencies are perceived about California by those who make decisions to create or not create jobs, these decision makers start with the premise that they aren't wanted here. Dow Chemical's attempt to build a plant near Suisun Bay is a case in point. A mid-level Brown Administration official was quoted as saying, "Build it in Louisiana or someplace else." His statement may have been distorted, taken out of context or misquoted. But to this day no Administration spokesman has said, "We want this plant in California." It would be most helpful if someone would say, "If all environmental concerns can be satisfied, we would like this job-producing activity." It seems incomprehensible that one company would have to spend $10,000,000 over two years trying to locate in California, only to be told that it ought to go to another state. Many employers would disregard high taxes and other costs if our attitude toward economic development were more positive.

Snarl vs. harass

While we are discussing attitudes, it is time business stopped snarling at government and politicians (the craftsmen of government) stopped harassing business. We desperately need cooperation between the two. Both sides would be surprised at what each could learn from the other, how much mutual understanding could develop and what progress could be made in solving our problems.

We also need factual information and knowledge of what our difficulties are and will be. We already know how many people will be moving into the labor force over the next several years. But what kind of overall strategy on the part of business, labor and government is needed to meet the demand? What kinds of job-producing industry are we in the best position to attract and maintain? What kind of education and skills can best match the needs of this industry? What legislative changes and administrative actions are required to remove obstacles and meet these objectives?

The questions appear endless, but the problem is not insurmountable. An intensive and immediate examination of these issues is required as well as a clear understanding of the consequences of failing to meet the challenge. The Governor has the necessary muscle and leverage to bring together the best economic talent from business and industry, government, academia and labor to examine all these questions, and to set a tone encouraging the creation of the jobs necessary to forestall economic and social chaos in this state.

If we want jobs, not unemployment and high welfare case-loads, we will have to get in the trenches and fight for them. It will not be an easy task. There is intense competition around the country, and the world for that matter, for job-producing business. Our top priority should be to improve California's competitive relationship with other states and countries, and make it possible for industry in this state, within the framework of reasonable and equitable laws and regulations, to prosper and expand.

There are two things that must be done:

- *Political leadership must meet this major public problem with policies that encourage job development in the private sector.*
- *The highest form of salesmanship must be employed to sell California as the place where our own industry should remain and expand, and where new industry should locate.*

The private sector, given the opportunity, the encouragement and positive business environment, can create the 181,000 to 256,000 new jobs needed each year. But time is running out. We cannot lower our expectations beyond being without a job. The countdown has already started — sixteen, fifteen, fourteen . . . .

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1976 LEGISLATIVE SUMMARY

The bills Brown vetoed (bad news for public employees) and key measures enacted

From a quick look at statistics, it might appear that Governor Jerry Brown is veto happy. Last year, he vetoed 148 or 10 percent of the 1,428 measures sent to his desk. This year, he killed 184 or 11 percent of the 1,671 bills passed by the Legislature. Statistically, Brown's veto rate is in line with that of his predecessor, Republican Ronald Reagan. But they were far off the mark of the all-time champion, former Republican Governor Friend W. Richardson, who once thrust his dagger into more than 500 bills in a single year.

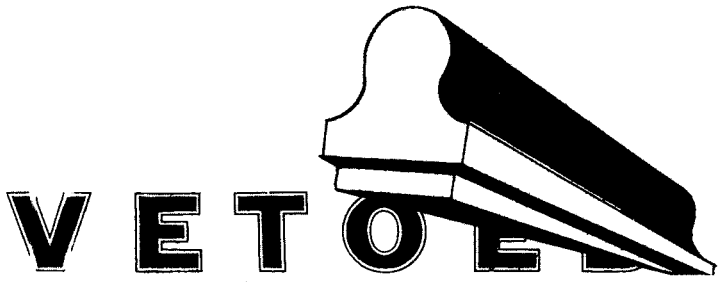
Statistics aside, Brown's pattern of vetoes indicates that he killed relatively few measures that were highly controversial. One of them was the high-school reform (RISE) bill sponsored by Superintendent of Public Instruction Wilson Riles. Another was a "right-to-privacy" statute sponsored by Senator David Roberti. (Brown softened the blow somewhat by issuing an executive order on privacy at the same time he announced his decision on the Roberti measure.)

Many of the bills vetoed by Brown fall into a common category — additional benefits for state and local public employees. Repeatedly, Brown killed these measures (subject to legislative override, of course) with notations that the public could not afford the additional cost, that the decision was best made at the local level or that the matter was one for bargaining between government and labor representatives. These bills often are put on the Governor's desk with the full expectation that he will veto them, but legislators get credit for trying to help employee groups.

In some cases, Brown also vetoed bills at the request of the author (mostly for technical reasons), or found that the problems addressed by bills had been cured by other measures he already had signed. The Governor's veto messages in almost all cases were brief and to the point, indicating that he put his own pen to most of them.

In terms of production, 1976 was a banner year for both the Governor and activist legislators of both parties. Among the major measures signed into law during the year:

- The landmark right-to-die bill by Assemblyman Barry Keene.
- A comprehensive bill by Senator Jerry Smith to establish a permanent commission charged with preserving California's coastline.
- A package of three nuclear-safety proposals which had the effect of killing the nuclear safeguards initiative on the June ballot.
- The Governor's plan to give most state employees a flat $70-a-month pay increase and another measure to halt the granting of automatic cost-of-living pay increases to judges.
- A major revision of the juvenile justice system, under legislation by Assemblyman Julian Dixon.
- Elimination of the indeterminate sentence for criminal offenders through a bill long sought by Senator John Nejedly.
- Placement of public members on all state occupational licensing boards and commissions.
- A $272 million educational-finance package jammed down the Governor's throat as the Republican price for approval of the $12.8 billion budget for the current fiscal year.



Here is a sampling of the bills vetoed by Governor Brown this year, and the reasons he gave for refusing to sign them into law:

RISE. SB 1137 *(Dunlap)* — Would have initiated the so-called RISE (Reform of Intermediate and Secondary Education) program.

. . . The bill would set in motion $80.8 million in new state spending with more to follow in all likelihood. The processes it would fund are, for the most part, available at the local level if there is the will to bring them about . . . . Given the limited taxes we can collect, priorities must be set. In that light, I believe that pending a solution to Serrano *and in view of the substantial funds already provided the schools this year and last, a major program such as* RISE *should not be enacted.*

Information. SB 1586 *(Roberti)* — Would have adopted a system designed to protect the privacy of individuals by regulating the gathering and maintenance of personal data in state government files.

This bill costs too much. The best estimates available indicate a start-up cost of $4 million and an annual cost thereafter of $13 million . . . . I am issuing today an executive order which will do most of what is essential in this bill at a fraction of the cost. If, with experience, the executive order proves deficient in ways which cannot be corrected by administrative action, we can then consider legislative action.

Rent control. AB 3788 *(Campbell)* — Would have prevented local government

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from enacting rent-control systems for privately owned housing.

I question the necessity and even the constitutionality of precluding local option with respect to rent control without the establishment of state standards. Rent control is of dubious value as a long-range strategy, but I am unwilling to preclude local government from experimentation in this area.

Admission Day. AB 1896 *(Siegler)* — Would have changed the Admission Day holiday from September 9th to the second Monday in September.

. . . To change now comes a bit late in our history and hardly seems in keeping with the Bicentennial Spirit. Moreover, I have my doubts about the wisdom of yet another three-day weekend and the increase it brings in highway traffic and gas consumption.

Sales tax. AB 871 *(Chappie)* — Would have exempted liquified petroleum gas (propane) sold for residential use from sales taxes.

In view of the increasing pressure for more state funds, I don't believe the broad tax exemption created by this bill is justified.

Crimes. AB 4538 *(Maddy)* — Would have required the state to pay for all criminal trials in which the punishment is life imprisonment.

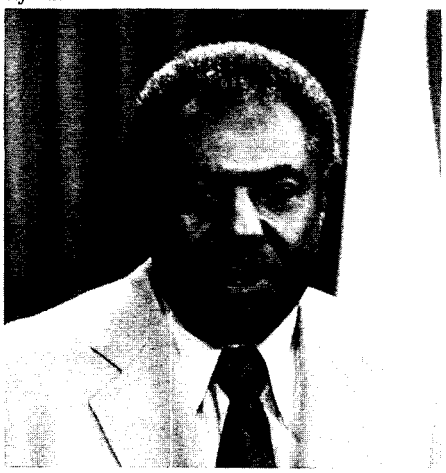
This bill would transfer to the state the cost of criminal trials which are presently borne by local government. No adequate justification has been shown for this shift.

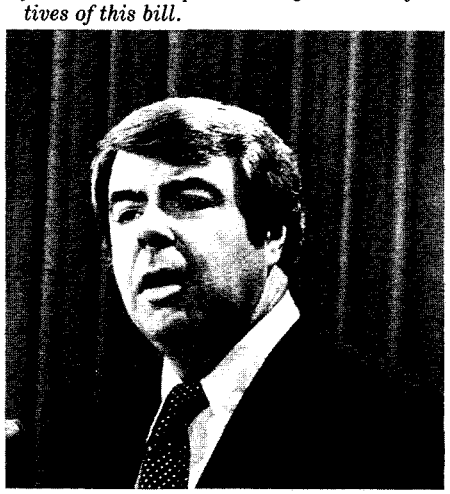
Energy. SB 215 *(Alquist)* — Would have mandated that solar-energy be studied for all new government buildings.

Although I am sympathetic to encouraging the development of solar energy, this bill would mandate large costs on local governments, but not insure the use of solar-energy systems . . . .

Room rates. SB 1218 *(Rains)* — Would have required hotels to post all room rates on an exterior sign.

This bill would unduly restrict motel and hotel advertising . . . . Present statutes prohibiting fraudulent advertising are sufficient to accomplish the legitimate objectives of this bill.





Veto victims
Riles (RISE) and Campbell (rent control)

Disabled. AB 2619 *(Antonovich)* — Would have provided cost-of-living increase for local Public Employees' Retirement System members who retired because of industrial disability.

Higher property taxes are caused by increased local spending. This bill leads down that dismal path by making possible an automatic cost-of-living increase for a special category of retired public employees. However worthy this objective, now is not the time.

Adopted. AB 4200 *(Campbell)* — Would have required the Department of Health to arrange meetings between adopted individuals 18 or older and their natural partents with both parties' consent.

Current law allows the courts in cases of necessity and good and compelling cause to make available information regarding the birth of children who have been adopted . . . . This bill would have a chilling effect on adoptions and a disruptive effect on family relationships.

Hospital. SB 1534 *(Alquist)* — Would have made several major changes in the law covering state mental hospitals including upgrading patient-care levels.

This bill would mandate the implementation of new state hospital staffing standards. Given the limited tax dollars and unresolved questions about the appropriate staffing level, I am not prepared to embark on what would be a $46 million annual spending program.

Health. SB 1779 *(Beilenson)* — Would reestablish a powerful state Board of Health.

I am not persuaded that adding yet another layer of authority to the Health Department will help.

Pawnbrokers. AB 4155 *(Craven)* — Would have increased the maximum pawnbroker charges.

The burden of proof rests on those who would raise interest rates. In this case, I do not believe it has been met.

Infant death. AB 2969 *(Lockyer)* — Would have required autopsies in all cases where infant-death syndrome was suspected, with certain exceptions.

Encouraging autopsies to be performed on a deceased child over the objections of the parents after a physician has certified the cause of death to be sudden-infant-death syndrome is too great an intrusion by the government into an area that is properly the domain of each individual family.

License plates. SB 1937 *(Holden)* — Would allow elected state officials to get ordinary license plates for state-owned or leased vehicles they use.

Those who drive cars provided by the people should not fear to have their license plates so indicate.

Retirement. SB 1398 *(Roberti)* — Would have allowed government agencies to pay up to 50 percent of an employee's contribution to the Public Employees Retirement System.

I am concerned about the uncertain and increasing tax burden created by many publicly sponsored pension systems. This particular bill goes too far . . . .

Malpractice. AB 2780 *(Chel)* — Would have allowed doctors to form cooperative malpractice insurance corporations and exempt them from certain insurance-code restrictions.

I commend the objectives of this bill in trying to provide an alternative for doctors to expensive medical malpractice insurance rates. However, I do not think that the alleged advantage to doctors outweighs the harm this bill can do to the public . . . . This bill is designed to circumvent the solvency requirements of the insurance code . . . . To absolve one group of responsibility to the public is not proper . . . .

Subdivisions. AB 2671 *(McLennan)* — Allows local government to waive subdivision-map requirements under certain conditions.

This bill attempts to give local government powers which it already possesses. Such a redundancy we can do without.

College students. AB 3418 *(Knox)* — Would have permitted a community college student body, by majority vote, to impose a mandatory fee of $10 a year for student-body associations.

I am not persuaded that low-turnout elections at community colleges ought to be the occasion for mandating a new $10 fee for non-academic purposes.

Child care. AB 4463 *(Lewis)* — Would have required the Department of Education to hire a private firm to assess child-care needs.

This issue has been studied and studied and studied.

Gifted. SB 1605 *(Cusanovich)* — Would

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have increased state funding for "gifted" programs.

The present program for "mentally gifted minors" is not properly managed. Consequently, the need for an additional $8 million over the next 18 months cannot be accurately determined.

Extended University. SB 1873 *(Cusanovich)* — Would have provided funding for the University of California's extended-university program.

. . . Although the goals of the program are good, I cannot justify spending $2 million on a program that substantially overlaps the extension degree offered by the State Colleges at no expense to the state . . . .

Upward mobility. AB 3756 *(Fazio)* — Would have mandated a program for state employees to move from non-professional to professional jobs.

Several state departments are already providing upward mobility for many of their employees. This bill would require a great deal of costly plan writing, rewriting and reviewing, but little in the way of real opportunity for employees . . . .

Social security. AB 4012 *(Antonovich)* — Would have allowed counties to withdraw employees from the social security system.

I have serious reservations about encouraging the wholesale withdrawal of county governments from the social security system.

Retirement. SB 1982 *(Collier)* — Would have allowed some state employees to retire two years ahead of schedule.

Benefits of the type provided for in this bill should be considered during the meet-and-confer process.

Federal funds. SB 1861 *(Nejedly)* — Would have revised allocation of federal social-service funds.

This bill . . . would reduce budget flexibility and not meet the need for planning and control of social services expenditures in the counties. There is also a cost of $5.9 million this year and $11.8 million next year.

Energy. AB 4055 *(Fazio)* — Would have created an advisory panel to the state energy commission.

. . . One energy commission is enough.

Handicapped. AB 4150 *(Lewis)* — Would have established an advisory committee on handicapped children.

. . . I am concerned about the trend to create more and more committees and further fragment executive responsibility.

Emergencies. SB 1412 *(Beilenson)* — Would have designated the Department of Health as the planning agency for emergency medical services.

This bill would require the expenditure of significant taxpayer dollars . . . . I believe quality emergency care services can be provided by local government . . . without a massive planning effort at the state level.

Highways. SB 1149 *(Alquist)* — Would have given the Legislature more control over highway funds.

This bill would fragment our process of transportation funding . . . .

Medi-Cal. SB 1721 *(Robbins)* — Would have required the state to pay interest on Medi-Cal claims not paid within 30 days.

. . . This bill would substantially increase the administrative cost of the Medi-Cal program without any impact in the quality of medical care.

Little Hoover. AB 2918 *(Priolo)* — Would have given the Little Hoover Commission authority to evaluate state regulatory agencies.

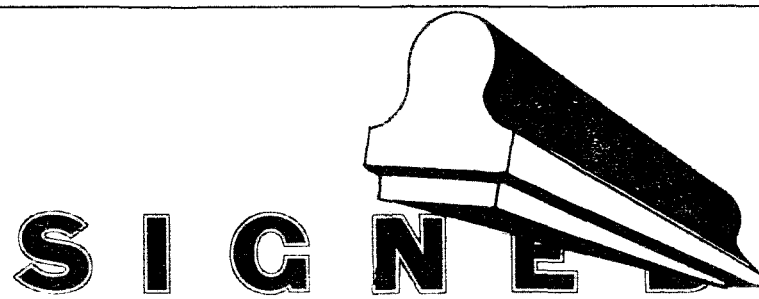
. . . Sufficient review processes of this nature already exist and I see no reason to create a duplication of effort of an additional level of bureaucracy.

Vests. AB 3272 *(Fazio)* — Would have required the state to pay for bullet-proof vests for local police personnel.

This is a decision for local government.

Credit unions. SB 1071 *(Cusanovich)* — Would have increased the maximum credit-union interest rate.

I do not believe that increasing the amount of interest all credit unions may charge is the proper method for dealing with the problems confronting small credit unions.



What follows is a selection of the major bills either signed into law by Governor Brown or allowed to become law without his signature. Most bills will become effective on January 1st, 1977. The exceptions are urgency measures, school appropriation bills and legislation with specific effective dates.

CONSUMER AFFAIRS

Impounds. AB 484 *(Papan)* — Requires financial institutions to pay at least two percent interest on home-loan impound accounts. **Bread. AB 3581** *(Siegler)* — Allows sale of eight-ounce loaf of bread. **Directory assistance. AB 3368** *(Robinson)* — Prohibits telephone companies from assessing charges for directory assistance. **Credit cards. AB 2506** *(Boatwright)* — Requires that credit-card issuers give holders 30 days written notice of intent to cancel. **Mobilehomes. AB 164** *(Cullen)* — Requires mobilehome manufacturers to post suggested retail prices on each unit. **Gasoline. SB 2014** *(Collier)* — Allows the price of gas to be displayed per liter as well as per gallon. **Prescriptions. AB 550** *(Robinson)* — Provides that under certain conditions prescription drugs may be advertised. **Wine. AB 4458** *(Brown)* — Allows wine to be sold at sports stadiums under certain circumstances.

CRIMINAL JUSTICE

Sentences. SB 42 *(Nejedly)* — Eliminates indeterminate sentences, except for specified violent crimes. **Torture. AB 4321** *(Knox)* — Provides for life imprisonment without possibility of parole for anyone found guilty of a torture murder, such as Dr. Geza deKaplany. **Fines. SB 624** *(Holden)* — Increases maximum possible fine for a variety of crimes. **Weapons. SB 1636** *(Nejedly)* — Makes it unlawful to advertise certain weapons. **Shoplifting. SB 2063** *(Russell)* — Increases penalties for shoplifting. **Heroin. SB 2098** *(Presley)* — Increases maximum fine for heroin possession for sale. **Offenders. SB 2137** *(Holmdahl)* — Makes imprisonment mandatory for certain repeat offenders. **Juveniles. AB 3121** *(Dixon)* — Makes major revisions in juvenile court law (Also SB 1694-5 by Presley). **Police rights. AB 301** *(Keysor)* — Enacts a "bill of rights" for police officers establishing special procedures for investigation of complaints against law-enforcement personnel. **Rape. SB 575** *(Robbins)* — Requires that rape specialists be on call at all times at each major county hospital.

Juvenile-justice author Dixon

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Coastal-control author Smith

EDUCATION

School aid. SB 1641 *(Rodda)* — Provides an additional $272 million for support of public schools. **High school. SB 1502** *(Gregorio)* — Allows more people to take the high-school proficiency examination. **Opportunity grants. AB 3042** *(Vasconcellos)* — Increases the college opportunity grant program by 50 percent. **Bilingual education. AB 1329** *(Chacon)* — Enacts a program to promote bilingual cross-cultural education in the schools.

ELECTIONS

Elections by mail. AB 58 *(Keysor)* — Allows special districts to conduct elections by mail. **Independents. AB 52** *(Keysor)* — Makes it easier for independents to qualify for the ballot. **Advisory elections. SB 231** *(Dunlap)* — Authorizes advisory votes in local-government elections on substantive issues. **Primary. AB 4514** *(Berman)* — Bars candidate in the Democratic presidential primary from sharing in the at-large seats unless he or she gets 10 percent or more of the vote. **Primary. SB 1376** *(Alquist)* — Makes changes in the California presidential primary law.

ENVIRONMENT

Coastal. SB 1277 *(Smith)* — Creates the California Coastal Commission to control shoreline development (also AB 2948 by Smith and AB 3544 by Wornum). **Tahoe. AB 4160** *(Gualco)* — Revises the Tahoe Regional Planning Compact. **Nuclear safety. AB 2820-22** *(Goggin-Nestande-Warren)* — Enacts three bills designed to guarantee the safety of nuclear power plants. **Herring. AB 1016** *(Keene)* — Requires permits before herring can be taken commercially. **Toilets. AB 1395** *(Keene)* — Requires installation of water-conserving toilets in new buildings starting in 1978. **Santa Monica. AB 163** *(Berman)* — Creates the Santa Monica Mountains Planning Commission.

Forestry. SB 78 *(Nejedly)* — Creates new state Department of Forestry. **CEQA. AB 2679** *(Knox)* — Streamlines the California Environmental Quality Act (CEQA). **Indians. AB 4239** *(Knox)* — Creates a Native American Heritage Commission to protect sites of significance. **Conservation. SB 1575** *(Smith)* — Creates the California Conservation Corps. **Smog. AB 250** *(Lewis)* — Creates new air-pollution-control district for the South Coast Air Basin. **Timber. AB 1258** *(Warren)* — Taxes timber when it is cut instead of on its value as standing timber. **Cougars. SB 1504** *(Dunlap)* — Extends moratorium on the taking of mountain lions. **Coastal land. AB 400** *(McCarthy)* — Appropriates $13.3 million (reduced by the Governor from $31.2 million) for coastal-land acquisition. **Parks. SB 174** *(Roberti)* — Appropriates $75 million for a three-year urban-park program. **Energy. SB 218** *(Alquist)* — Provides a tax credit of up to $1,000 for homeowners who install solar-energy devices. **Abalone. AB 2224** *(V. Thomas)* — Bans taking of abalone during February and August.

FISCAL AFFAIRS

Budget. SB 1410 *(Beilenson)* — Enacts annual state budget totalling $12.8 billion. **Taxes. AB 2792** *(Boatwright)* — Provides income-tax relief to low-income Californians. **Pay. SB 1555** *(Berryhill)* — Provides that most state employees get $70-a-month pay increases regardless of salary level. **Renters. AB 282** *(Brown)* — Changes the amount of renters' state income tax credit from a range of $25 to $45 to $37 for all regardless of income. **Income taxes. AB 1628** *(Garamendi)* — Bans the Franchise Tax Board from releasing personal-income-tax information, except under specified conditions. **Federal funds. AB 2605** *(V. Thomas)* — Accelerates payment of federal Medi-Cal funds to counties, providing local property tax relief.

GOVERNMENT ORGANIZATION

Appointees. SB 1435 *(Petris)* — Limits time a gubernatorial appointee can serve once Senate confirmation is refused. **Arts. SB 1560** *(Rodda)* — Requires that the principal office of the Arts Council be located in Sacramento. **Industrial welfare. AB 2238** *(Goggin)* — Changes the composition of the Industrial Welfare Commission. **Cal Expo. SB 14** *(Rodda)* — Allows the state to purchase the outstanding master control for Cal Expo for $2.6 million from Ancorp National Services Inc.

HEALTH AND WELFARE

Right-to-die. AB 3060 *(Keene)* — Authorizes withholding of life-support systems from adults afflicted with terminal illnesses if the patient has so directed. **Developmental disability. AB 3800-9** *(Lanterman)* — Makes a series of major changes in laws applying to the developmentally disabled. **Doctors. AB 4242** *(McCarthy)* — Appropriates $52.5 million for increased reimbursement to doctors handling Medi-Cal patients. **Prophylactics. SB 1754** *(Beilenson)* — Permits vending-machine sale of prophylactics. **Homemakers. AB 2543** *(Brown)* — Provides cost-of-living adjustments in the homemaker-chore-services program. **Hospitals. AB 4001** *(Keene)* — Bans new hospital construction unless there is a clear showing of need. **Medi-Cal. SB 63** *(Kennick)* — Creates simplified Medi-Cal procedures to solve administrative problems in eligibility determination. **Food stamps. AB 2569** *(Gualco)* — Authorizes pilot program to test new ways of handling the food-stamp program.

Child abuse. SB 1045 *(Stiern)* — Revises procedure for the handling of child-abuse cases. **Child care. AB 4059** *(Foran)* — Creates an alternative child-care system at a cost of $10 million. **Welfare. AB 2601** *(Lockyer)* — Boosts benefits to the aged, blind and disabled. **Disability. AB 1503** *(Suitt)* — Bars an insurance company from reducing benefits to holders of disability policies when social security payments are increased. **Sexuality. AB 4178-9** *(Vasconcellos)* — Requires certain professionals, including doctors, to receive instruction in human sexuality. **Silicone. AB 2445** *(McVittie)* — Bans injection of silicone into the human breast. **Blood. SB 410** *(Beilenson)* — Limits use of blood from paid donors. **Workers compensation. AB 467** *(McAlister)* — Raises benefits in workers' compensation cases. **Osteopaths. AB 2256** *(Duffy)* — Allows osteopaths to employ physicians' assistants. **Biofeedback. AB 3618** *(Duffy)* — Allows licensed psychologists to use biofeedback machines. **Swine flu. AB 1135** *(Keene)* — Provides liability exemptions designed to help clear the way for the swine-flu inoculation program. **Eye tests. SB 863** *(Zenovich)* — Allows optometrists to use pharmacological agents during eye examinations.

POLITICAL REFORM

Enforcement. SB 1401 *(Rains)* — Changes responsibility for enforcement of the Political Reform Act of 1974. **Lobbyists. SB 1373** *(Mills)* — Requires the secretary of state to publish lobbyist registration statements, instead of the Legislature. **Judges. AB 809** *(Duffy)* — Requires judges to file financial-disclosure statements under the Political Reform Act of 1974.

MISCELLANEOUS

Divorce. AB 1747 *(Maddy)* — Makes the law on spousal support apply equally to men and women. **Emergencies. AB 416** *(Warren)* — Provides $1.2 million for establishment of the "Call 911" emergency telephone system. **Smoking. AB 2291** *(Briggs)* — Requires that non-smoking areas be established in public buildings. **Blacklisting. AB 3080** *(Berman)* — Enacts provisions designated to discourage Arab blacklisting of firms doing business with Israel. **Dogs. SB 1115** *(Holmdahl)* — Restricts dog catchers from seizing dogs when the dog is on its owner's property. **Color blindness. AB 3073** *(McAlister)* — Makes it illegal for the state to reject a job applicant because of color blindness unless color vision is a valid occupational qualification. **Massage. AB 3325** *(McAlister)* — Allows cities and counties to license massage parlors. **Firefighters. AB 4202** *(Campbell)* — Extends peace-officer status to firefighters but does not allow them to carry firearms. **Redevelopment. AB 3672** *(Montoya)* — Revises redevelopment law (as part of a package by Montoya).

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IT ISN'T AVON CALLING

Raising political cash for citizen-action lobbies

By Sue Stephenson

Your door bell rings. You answer the door to a young adult with a clip board and pen in hand.

"Hello. I'm from the Citizens Action League. We're a statewide citizens lobby working on property tax reform, utility rate reform and telephone company reform. I have a short statement of support here that I'd like you to read. And if you agree with what we're doing, we need your support in the form of a signature and a contribution of five to twenty-five dollars."

If you're not interested, that's the end of it.

But if you look interested, you'll be told about the successes the organization has had so far. Again you'll be asked to give your support in the form of a signature and a contribution.

Right now, there are three political organizations in the state which fund themselves primarily through a canvass operation such as the one described above. These organizations are the Santa Clara Valley Coalition (SCVC), California Citizens Action Group (CCAG) and Citizens Action League (CAL). There are about a dozen political and environmental groups with canvassing operations nationwide.

What advantages does this technique offer? According to CAL Director Michael Miller, canvassing provides: "an educational aspect by talking to people nightly and telling them about what is happening; a support aspect by collecting signatures on statements of support to show the organization's strength; a mobilization aspect by getting people to actually get involved and work on the campaigns; and, a developmental aspect by drawing people into the organization as full members."

On the average, over 50 percent of the money gathered goes toward the intended organization, with less than 50 percent spent on the act of fundraising. A canvass staff consists of approximately 15 to 25 people who canvass four to five hours a day and have a daily quota of $60. Canvassers keep 35 percent of what they bring in, but if they miss their quota too often, they're out of a job. Field managers, who drive the canvassers to their territory and are responsible for them, receive five to seven percent of what their crew brings in. And the canvass-coordinators/consultants receive from two to 10 percent of the total intake.

Last year, the canvass operation at CAL brought in $300,000. CAL Bay Area canvass coordinator Barbara Helmick says this figure "definitely should increase," but she predicts a peak amount for the Bay Area of $400,000. Half of a canvasser's job is programming and educating people," Helmick says, "and half is for fundraising." SCVC president Barbara Noggle says, "The money is important so we can accomplish what we do, but the education is very important so people know what's going on."

Who's canvassing

The kind of people attracted to this two-fold job are "people who like to belong to something and to do something worthwhile," says CCAG canvass coordinator Paul Gallender. Helmick, a veteran canvasser for several organizations in the past three years, says, "The majority of canvassers are college graduates or dropouts. Most have some college education (though that's not a requirement for the job), and most are between the ages of 23 and 25."

The kind of people who respond to canvassers with signatures and $5 to $25 checks of support, are "low to middle income people," Miller says, "those squeezed economically and alienated from the political process, those who don't believe there's much they can do. While I suppose most people in CAL consider themselves Independent or Democrat," Miller concluded, "I would suspect that the things we're talking about appeal across partisan lines."

Operating out of San Jose since 1972, SCVC is the oldest of the three political organizations regularly canvassing. SCVC got started when "quite a few church people decided that life in the Valley was something we had very little control over," says Noggle, "so we gathered enough money to hire an organizer (from Saul Alinsky's training school in Chicago, the Industrial Areas Foundation) to get the different groups in the valley together." And in

The author is a free-lance writer in San Francisco.

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1974, the SCVC had their founding convention with about 100 organizations: churches, senior citizens, environmental groups, unions, neighborhood clubs. They drew up a list of concerns.

Today, SCVC has member organizations in almost all of the 15 major cities of Santa Clara County. SCVC has: established a Citizens Consumer Commission and an advisory body to hear citizen complaints in the county; helped establish lifeline rates with PG&E; "dumped Dial-A-Ride because it was financially unfeasible;" achieved enforcement of regulations in nursing homes and an audit of the County Assessor's office. Now, SCVC is "getting homeowners together to fight the ever increasing property taxes by focusing on government waste," Noggle says.

With chapters in Los Angeles, Sacramento and Oakland, Ralph Nader's California Citizen Action Group began operating in the fall of 1973. Only since this past June did the Oakland chapter begin its canvass operation. "The issues we raise money on," says Gallender, "are lifeline, food and energy conservation. These are gut level issues."

CCAG's successes include getting the East Oakland assessor to roll back property assessments from the 1975 to the 1974 levels; getting Safeway to drop the price of Monterey Jack cheese by 40 cents a pound; disclosing price-fixing among milk companies; and getting the Department of Agriculture to lift the fixed price of milk in Sacramento County and, thereby, reduce the price of milk by eight to nine cents per half gallon. Besides trying to lift the fixed price of milk all across the state, CCAG also is lobbying for a bill to require oil companies to divest themselves of alternate energy sources.

CAL started in January 1974, as the "Electricity and Gas for People" campaign. The canvass operation began in August of that year, and Miller recalls that the CAL staff was a bit skeptical of canvassing as a source of fundraising. "But," he says, "we watched with fascination as the phones started hopping off the hooks with people wanting to do something worthwhile and earn a little money, and we were off and running with the canvass operation."

Our most important success," Miller says, "has been the PG&E lifeline campaign. It's a model of the kind of thing independent citizens organizations can do. We took an issue that made sense to a lot of different people, the idea that a basic amount of gas and electricity should be available to everybody at a reasonable price, and we started pounding at the rate increase." In January, 1976, lifeline gas and electricity rates went into effect.

Other CAL accomplishments include: getting the San Francisco assessor to put most of his staff into reassessing downtown big properties; getting a 400 percent increase in the real estate tax to inhibit speculative transactions; getting lifeline water rates in San Francisco and gasoline posting in a number of cities in San Mateo County; and establishing a childcare program in the San Mateo Community College District. Now, with offices in San francisco, San Mateo and Los Angeles, CAL is working to lower property taxes by closing loopholes, get a rebate for Pacific Telephone customers, and to enforce nursing home regulations.

Fickle sources

"Canvassing solves two basic problems with money," Miller says of CAL's two-year old canvassing operation. "First of all, when dependent upon a few sources for income, these sources can be fickle, either because the organization steps on their toes, the organization is not in vogue this year, the funders are bored with what the organization is doing, or there are personal rifts. And secondly," Miller said, "canvassing provides a way for people who the organization works for, to support it."

"Canvassing is really great," says CCAG staff coordinator Elizabeth Chiera. "It makes us accountable only to small contributors and canvassers. And it's reliable if done well."

The most rewarding thing about the job for SCVC president Noggle, who opted for community organizing over her profession as a registered nurse, is "watching people begin to feel they have something to say about their lives. We can't do things one to one, but together we can and that's what the Coalition is all about, to confront someone with equal power on equal status."

To Miller, also a professor of urban studies at San Francisco State College, the most rewarding thing about the job is "being able to say, 'Look Jack, you're not going to push me around anymore.'" Miller says, "I know what it means to be looked down upon, having lived as a project kid. Besides," he says, "it's fun. It's like letting the air out of an overstuffed ballon when we go after those corporate executives and public officials and make them deal with people and develop accountability."

Miller sums up the future best when he says, "You can't tell us this is a democracy and have a handful of the people making the economic and political decisions about us. We're not going to take it. There was a time, fifteen years ago, when I knew most of the people doing this kind of thing (political organizing). Now there are hundreds and hundreds. So I'm pretty optimistic about the capacity of the average American to respond in a responsible and decent way, given half a chance. And mass organization gives people that chance."

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B. Paid circulation		
1. Sales through dealers and carriers, street vendors and counter sales	128	110
2. Mail subscriptions	11,014	12,310
C. Total paid circulation	11,142	12,420
D. Free distribution by mail, carrier or other means; samples, complimentary and other free copies	422	95
E. Total distribution	11,564	12,515
F. Copies not distributed		
1. Office use, left over, unaccounted, spoiled, after printing	2,269	1,485
2. Returns from news agents	0	0
G. Total	13,833	14,000

I certify that the statements made by me above are correct and complete.
THOMAS R. HOEBER, *Publisher*

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California CAPSULES

Regents to appeal court ruling on admissions policy

Regents of the University of California have voted to appeal a state Supreme Court ruling that bans admissions on a racial basis. The Regents indicated that, if necessary, they would take the issue to the United States Supreme Court. In *Bakke* v. *U.C. Regents*, the state court ruled that a special medical-school admissions program giving preference to minorities is unconstitutional because it is not based on "individual merit." Allan Baake had failed twice to win admission to the medical school at Davis, which has a policy of filling 16 of the 100 places each year with minorities. The court decided in favor of Baake, 6-1, with Justice Mathew Tobriner the lone dissenter. Tobriner said affirmative-action programs are necessary to overcome segregation.

In another significant case, the U.S. high court let stand a state Supreme Court ruling allowing unions limited access to workers on grower's private property. The federal court settled the issue by declining to take jurisdiction over the question.

Prepaid health plans in hot water again; HEW threatens funds

The state Department of Health has until next February to shape up its prepaid-health-plan (PHP) section or the U.S. Department of Health, Education and Welfare may cut off $25 million in Medi-Cal funds. In a letter to Governor Brown, HEW said the state had failed to comply with regulations that require federal approval of contracts for more than $100,000. The letter demanded a plan for action to ensure that all PHPs are financially sound and their medical services adequate. Instituted in 1971 by the Reagan Administration, the $100-million-a-year program provides care for approximately 200,000 of California's medically needy. The Health Department's legal counsel called the letter "unfair" and said that HEW had been advised of contract changes but hadn't responded in October to the department's January recommendations. He said efforts were continuing to resolve problems with HEW's regional office, but so far there has not been any response.

Criminal charges may be sought in hospital probe

More than 100 deaths over the last three years at Camarillo state mental hospital are being investigated by the Ventura County district attorney, and there are indications that charges of murder or manslaughter may be filed by the end of the year. After determining that some of the deaths at the hospital occurred under unusual circumstances, the district attorney's office started investigating 79 cases with evidence of drug overdose, strangulation and possible gross negligence by the hospital staff. The cases being examined involve both children and adults. While no bodies have been exhumed, medical records of the dead patients, transcripts of staff interviews and autopsy findings are being studied. Earlier this year, the state Health Department investigated charges of unsanitary conditions, inadequate care, drugging of patients, and mismanagement of children's sections at the same hospital.

BART system rated '$1.6 billion mistake' by UC urban specialist

UC Berkeley urban and regional development specialist Melvin M. Webber issued a report labeling the Bay Area Rapid Transit (BART) system a "$1.6 billion mistake." Fundamental errors in BART's design, he said, have stopped the system from realizing the benefits expected when voters approved the system 14 years ago. Among Webber's findings: Ridership is only half of what was forecast (131,400 weekday passengers compared to an expected 258,000); auto traffic volume has not decreased; fares pay only 28 percent of BART's costs, while over half the expenses are financed through the property and sales taxes; BART carries a disproportionate number of high-income passengers. Says Webber, "Clearly, the poor are paying and the rich are riding."

U.S. sponsors invite 15 state lawmakers on an Israeli trip

For the second consecutive year, selected state legislators are being offered trips to Israel at the expense of wealthy Jewish businessmen. The operation was organized by Milton G. Gordon, a Los Angeles mortgage broker. Each businessman provides the funds for one legislator, and the lawmaker reports the gift to the state Fair Political Practices Commission. The reason given for the trip is that many state representatives become members of congress and the group wants to acquaint potential congressmen with Israel. On the invitation list for this year's trip: Senators Alfred Alquist, Robert Presley, David Roberti and Alfred Song; Assemblymen Howard Berman, Dan Boatwright, Willie Brown, Wadie Deddeh, Ken Maddy, Bruce Nestande, Louis Papan, Richard Robinson, Alan Sieroty, Vincent Thomas and John Thurman.

High school seniors' aptitude-test scores fall below U.S. average

Scores of California's college-bound seniors on the Scholastic Aptitude Test (SAT) fell below the national average for the first time last year. The scores were one point below the national verbal average and three points below the national mathematics average. The national average has been falling for the last 13 years, but scores have fallen more sharply in California. In the four-year period between 1971-72 and 1975-76, California's verbal score dropped by 31 points while the national score dropped by 20, and California's mathematics score dropped by 23 points compared to a national drop of 12 points. The verbal section of the examination tries to measure the student's ability to understand what is read, to see relationships between ideas expressed in writing, and the size and range of a student's vocabulary. The mathematics section tests the student's ability to do basic arithmetic, algebra, geometry and quantitative reasoning. SAT scores have declined in every region of the country and within every socio-economic group.

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people. In one instance alone, what was formerly owned by one person is now owned by 363.

Each sale was closely scrutinized by the government before and after completion to insure that the buyer turned out to be the true owner who received the benefits or profits from the land. The "barons" have been and are continuing to comply with the law, and will continue to do so. Even the General Accounting Office, investigative agency for the Congress (and which Baker cites profusely when it supports his foregone conclusions, and ignores when it doesn't) has found that the sales comply with the law. There is no "struggle" or effort upon the part of those people either to frustrate or evade the law. No one, including Baker, has been able to provide a scintilla of evidence showing anything other than compliance with the law on an active program of disposition.

Baker states that "in the case of Westlands, the Bureau has generously determined" the period of disposition of the land to be 10 years. He fails to mention that the 10-year period was established as early as 1945, is applicable throughout California in more than 40 districts and was decided upon long before Westlands Water District or the San Luis Project were in existence or even being considered.

Baker reports that "poverty and shabby housing still prevail" but he fails to reveal that 230 new dwellings have been built in the area within the past few years.

Baker refers to "a class shuffle game in which land is sold or resold or leased to former associates, syndicates, foreign corporations or Caribbean-based tax havens who continue to operate with 5,000 to 6,000 acre tracts." Baker knows the facts—that there are only two foreign-based corporations which own land in Westlands and, out of 600,000 acres in the district, these two corporations own only 160 acres each, which they are entitled to do under the law; that it was Westlands and the large landowners who first called the attention of the Congress to the speculation problem and urged a change in the law to meet that problem; that the average size of operation in the district is not 5,000 to 6,000 acres but only slightly over 2,000 acres and this drop in size of about 50 percent has occurred in only a few years, with about 300,000 more acres of land yet to be sold; that in only six cases out of 1,000 sales have the original owners

continued to operate a portion of the land sold, and that there is nothing illegal or immoral in selling land to former employees or associates or members of one's own family as long as it is a bona fide sale.

Baker sinks further into the muck of dishonest journalism in accusing Russell Giffen of having participated in a "sham transaction" when he sold land to William and Judith Rogers of Bakersfield and others. Giffen's sale was clearly within the purpose and intent of the law and was examined in great detail by the government and others before and after it occurred.

Even if it is assumed that there was something wrong with this operating arrangement of the purchasers, which there definitely was not, it is cheap of Baker and an example of the lowest type of journalism for him to imply wrongdoing upon the part of the seller, Russell Giffen.

When Baker talks out of one side of his mouth against the joint operation of the former Giffen land by Jubil Farms and others, later he lauds farm cooperatives when it is done for his group, National Land for People. The law contemplated the breaking up of large ownerships and thus providing the opportunity for a person to farm land, but the law does not require a person to buy or, as Baker would have readers believe, to farm the land himself.

Baker stated: "In 1971, Brody prevailed upon Fresno Assemblyman Ernest N. Mobley, a Republican, and state Senator George N. Zenovich, a Democrat, to carry legislation permitting the district to contract with the federal government for water-system repayment through government-obligation bonds without holding a bond election. With the election eliminated, it insured that only the landowners would have a significant voice in district finances." He repeats here the same half truths and untruths with respect to which the record and he have been set straight many times. In the first place, had an election been held under existing law, the voters would have been the landowners and there still would have been the significant voice; in the second place, the legislation was sought at the suggestion of bond counsel because of a constitutional question that existed at that time.

Baker refers to the U.S. Attorney in Sacramento "who is supposed to be prosecuting an illegal sale arising out of Westlands" and implies that the U.S. Attorney is not diligently prosecuting the case and is not doing so because he obtained his present position through the influence of a now-deceased and very highly respected judge. This man was known throughout the country for integrity and honesty. When in private practice, he represented the landowners at the time the district was formed. Contrary to the implication and statements of Baker, the lawsuit does not involve Westlands Water District; it does not involve an "illegal sale" of land and there has been no charge of that in the case.

Finally, Baker attributed to this writer a statement made in 1951 that "time-honored, national policy which seeks to achieve the two-fold purpose of preventing speculation and of spreading the interest-free benefits of a reclamation project among a larger group of small landowners rather than confining those benefits to a relatively smaller group of large landowners."

The only thing that makes me doubt that I uttered those words is the fact that it is Baker who attributes them to me. Nevertheless, I am willing to concede that I probably made the statement since it does express my philosophy as of that time, and it has existed over the intervening years until and including now. Baker again misses the boat in stating I have had a change of philosophy. Indeed, it has been in pursuance of that policy of spreading the benefits that I have played a substantial role in inducing large landowners to commit themselves to contracts to dispose of all land in excess of 160 acres. They have agreed to sell, and have already sold 118,000 acres at non-speculative prices of a maximum of $750 per acre, when identical land not subject to such control is being sold at $1,200 to $1,700 per acre!

Regretfully, Baker will always have the last word, and as long as reporters like him consider personal honesty and professional integrity as vices, the public will continue to be sadly misinformed and misled on what is happening and what inevitably will happen in Westlands Water District and on other issues even more important to our country.

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A WASHINGTON PERSPECTIVE . . .

By Lou Cannon

The wayward press

"The press is a child, essentially an immature institution," wrote Richard Reeves in his biography of Gerald Ford. "It's a lovable little thing, distracted by bits of color and light, eager and irresponsible, honest in its simple way. And it has trouble concentrating on more than one thing at a time."

Reeves was writing about how the press puffed up Ford in the weeks after his ascension to the presidency, ascribing qualities to him he never possessed, only to turn on him with equal excess after his pardon of Richard Nixon. But he might as well have been discussing the coverage of the 1976 presidential campaign. It was, to use a word worn out by Walter Mondale, a disgraceful campaign on both sides, and many of us said as much. Those of us with the latitude to do so called repeated attention to the lack of substance in most of the exchanges between Ford and Jimmy Carter and to the mean-spiritedness of the rhetoric which invested both campaigns. We believed, and we wrote, that the people deserved something better from the candidates for the nation's highest office.

With the election behind us, isn't it time to ask if the people also didn't deserve something better from those of us who covered it? In the public mind the press has come a long way in the last few years, from the whipping boy of the late 1960s to the hero of Watergate. But the way in which many of us described the central events of the 1976 campaign suggests a traditional preoccupation with sensation that contrasts oddly with our pleas for a more mature discussion of issues by the candidates.

* * *

Exhibit A in the case against this year's campaign coverage is the celebrated *Playboy* interview with Jimmy Carter. Wow! He confessed to "lust in my heart." We were like small boys in some long-ago hick town come to see the naked lady at the carnival. Weeks later, in California, when a witless local politician asked a "lusty welcome" for the candidate, a number of reporters made a point of this phrase in their stories. "It was evident," wrote William Lee Miller in the *New Republic*, "that many commentators and reporters didn't even know that Carter had been applying a sentence from the *New Testament;* they never seem to have heard of or read the fifth chapter of Matthew; although one would be hard put to find a piece of writing of comparable length more fundamental to the history of the west."

While we were making too much of the *Playboy* interview, we were making too little of Carter's financial affairs. He withheld records of the contributions made to his 1970 gubernatorial campaign and his 1975 tax returns after promising to make them public. When he finally made this information public, revealing a huge tax break from the tax system he repeatedly had denounced, many of the details of Carter's profits were concealed by corporate returns which the candidate refused to disclose. A net worth statement had blank items and questionable valuations, raising far more questions than it answered. An hour spent at the courthouse in Americus showed the apparent invalidity of valuations used by Carter's accountants, but few reporters bothered to pursue this issue. "Lust in my heart" had more of a ring.

* * *

The singlemindedness with which some of us insisted in raising "Watergate" issues when they applied to Ford is also questionable. John Dean's supposed revelation that Ford had been programmed by the Nixon White House to quash a House investigation in 1972 was no revelation at all. Dean had testified openly to the same events before the Ervin committee. At the time of his confirmation as vice president, Ford testified that to the best of his recollection he had operated without White House direction. This may have been true or it may not have been true, but it was an old story repackaged for the edification of campaign audiences when Dean, a supporter of Carter, related it a few weeks before the election.

Again, the press reacted breathlessly. One prominent newspaper published an "exclusive" which told how Ford, as House minority leader, had sent a letter to Republican members of the House Banking Committee describing an early Watergate investigation as "irresponsible." The committee voted 20-15 on October 3rd, 1972 against holding public hearings on the Watergate incident, with six Democrats joining 14 Republicans to kill the inquiry. The story the following day by Bob Woodward and Carl Bernstein in the *Washington Post* routinely mentioned the Ford letter asking GOP members of the committee to vote against the hearings. Even in 1972, the letter merited only a one-sentence reference in the 13th paragraph of the Woodward-Bernstein story. By what stretch of the imagination does this become the lead of a story in October 1976?

* * *

Yet it can be argued that Ford also came off easy in his press coverage during the campaign. Many of us had said bravely after 1972 that we weren't going to be fooled by another "hiding in the White House" campaign such as Nixon waged against George McGovern in 1972. But when Ford, trailing badly in the August polls, decided to save campaign funds and bide time until the first debate by staying home and staging a series of well-managed phony events in the Rose Garden, most of us covered these as if they were news. Night after night, Ford's non-events received the usual three minutes on the evening news, which is what his strategists had predicted. On one occasion he issued a ringing statement on behalf of freedom of information while signing a "sunshine law" which his administration had done its level best to kill in Congress. Sadly, most reported the statement at face value, without paying much attention either to the limitations of the bill or to the hypocrisy in Ford's statement.

Reeves was right. We are, indeed, "distracted by bits of color and light" and we find it difficult to focus our attention on that which is not gaudy. In 1976 too many of us too often chose the baubles instead of the solid items of value which could have enlightened the voters and enriched a cheap and dreary presidential campaign.

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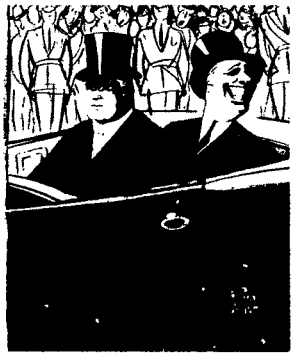

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